



California Regulatory Notice Register

REGISTER 2007, NO. 22-Z

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by Thomson West.

TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the Department of Fair Employment and Housing, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Department of Fair Employment and Housing proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment adds newly created positions to the Department's Code and makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than July 31, 2007, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than July 1, 2007 by contacting the Contact Person set forth below.

The Department of Fair Employment and Housing has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the

proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Department of Fair Employment and Housing has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Department of Fair Employment and Housing must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Jennifer Woodford-Gittisriboongul
c/o Department of Fair Employment and Housing
2218 Kausen Drive, Suite 100
Elk Grove, CA 95758
Telephone: (916) 478-7272
Facsimile: (916) 478-7331
E-mail: Jennifer.gittisriboongul@dfeh.ca.gov

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission ("Commission"), pursuant to the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **August 16, 2007**, at approximately **10:00 a.m.**

NOTICE OF INTENTION TO AMEND EXISTING CONFLICT-OF-INTEREST CODE

The Commission is providing notice of its intention to review and amend 2 Cal. Code Reg. Section 18351,

the Commission's conflict-of-interest code. Authority for this action is based on Government Code Section 87306. A 45-day written comment period has been established commencing on **June 15, 2007**, and closing on **July 31, 2007**. Written comments concerning the proposed amendments should be directed to the Fair Political Practices Commission, Attention: Andreas C. Rockas, 428 J Street, Suite 620, Sacramento, California 95814. For inquiries, call (916) 322-5660. Any written comments relating to the proposed action must be received no later than **July 31, 2007**, in order for them to be considered by the agency before it amends its code.

The Commission has prepared an Initial Statement of Reasons as a written explanation of the reasons for the amendments. This Initial Statement of Reasons, the regulatory language of the proposed amendment, and other information upon which the proposed amendment is based are available to interested persons at the Commission's address listed above.

After the Commission's public hearing, the agency's proposed conflict-of-interest code will be submitted to the agency's Code Reviewing Body (i.e., the Attorney General's Office) for its review.

BACKGROUND/OVERVIEW

Pursuant to Government Code Section 87306(b), the Commission must submit a biennial report to its code reviewing body (in this case, the Attorney General's Office) identifying changes in its conflict-of-interest code, including, but not limited to, all new positions designated pursuant to Government Code Section 87302(a), changes in the list of reportable sources of income, and relevant changes in the duties assigned to existing positions.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18351: Pursuant to Government Code Section 87306 and 2 Cal. Code Regs. Section 18750, the Commission will amend its conflict-of-interest code due to changed circumstances, including the creation of new positions which must be designated pursuant to Government Code Section 87302 and relevant changes in the duties assigned to existing positions. A full discussion of the amendments is contained in the Initial Statement of Reasons.

In summary, the Commission is considering changing the titles for the positions of Information Officer II, Legislative Coordinator, and Associate Government Program Analyst (Enforcement Div.); eliminating the positions of Associate Information Systems Analyst and Political Reform Consultant (Executive Div.); ad-

ding the positions of Executive Assistant, Systems Software Specialist I, and Staff Services Manager I; and changing the disclosure categories for the positions of Information Officer II, FPPC Counsel (Enforcement Div.), and Associate Government Program Analyst (Administrative Div.).

In addition, the Commission is considering amendments to disclosure categories including non-substantive amendments to Category 2 and Category 3, eliminating Category 6, and re-labeling Category 7 as Category 6.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues. The Commission must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISCAL IMPACT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

The adoption of the proposed amendments: (1) will not impose a cost or savings on any state agency, local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code; (2) will not result in any nondiscretionary cost or savings to local agencies; (3) will not result in any cost or savings in federal funding to the state; (4) will not impose a mandate on local agencies or school districts; and (5) will not have any potential cost impact on private persons or businesses including small businesses.

AUTHORITY

Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret and make specific Government Code Sections 87300–87302, and 87306.

CONTACT

Any inquiries concerning this proposal should be made to Andreas C. Rockas, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone: (916) 322–5660. Proposed regulatory language can be accessed at www.fppc.ca.gov.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict of interest codes, will review the proposed/amended conflict of interest codes of the following:

CONFLICT OF INTEREST CODES

AMENDMENT

STATE AGENCY: State Lands Commission
MULTI-COUNTY: Fresno Area Self-Insurance Benefits Organization
Inland Empire Health Plan Joint Powers Authority
San Luis Water District
Yosemite Community College District

A written comment period has been established commencing on **June 1, 2007**, and closing on **July 16, 2007**. Written comments should be directed to the Fair Political Practices Commission, Attention **Ashley Clarke**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict of interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director or the Commission will review the above-referenced conflict of interest code(s),

proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director or the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **July 16, 2007**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict of interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict of interest code(s) should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Ashley Clarke**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 4. CALIFORNIA HORSE RACING BOARD

TITLE 4, CALIFORNIA CODE OF REGULATIONS

NOTICE OF PROPOSAL TO ADD ARTICLE 10.5. MULE RACING AND

RULE 1747. MULE RACING RULES RULE 1748. SHOEING MULES

The California Horse Racing Board (Board) proposes to add the regulations described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to add Article 10.5, Mule Racing, and Rule 1747, Mule Racing Rules and Rule 1748, Shoeing Mules. The new Article 10.5 will add an Article to the Board's rules and regulations that is specific to mule racing. Rule 1747 provides that mule races must adhere to the Board's regulations, but regulations unique to mules, will be placed under Article 10.5. Rule 1748 will allow mules to run unshod. If a mule does run "barefoot" the unshod condition of the mule must be printed in the race program, or announced over the public address system prior to the race in which the mule runs.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, July 19, 2007**, or as soon after that as business before the Board will permit, at the **Surfside Race Place at Del Mar, 2260 Jimmy Durante Boulevard, Del Mar, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representatives, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on July 16, 2007**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6397
Fax: (916) 263-6022
E-Mail: harolda@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19420 and 19703, Business and Professions (B&P) Code. Reference: Section 19703, B&P Code.

B&P Code Sections 19420 and 19703 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific Section 19703, B&P Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

B&P Code Section 19420 states jurisdiction and supervision over meetings in California where horse races with wagering on their results are held, and over all persons or things having to do with the operation of such meetings, is vested in the Board. B&P Code Section 19703 states the Board, in cooperation with American Mule Association representatives, shall adopt rules governing, permitting, and regulating mule racing and wagering on the races under the pari-mutuel system. The American Mule Racing Association (AMRA), which is the recognized mule breed registry, recently

amended its Professional AMRA Racing Rules. Among its recommendations is a rule that allows mules to race without shoes (barefoot). This is contrary to Board Rule 1853, Examination Required, which states that no horse shall be eligible to start in a race if it is found to be improperly shod. To allow mules to run barefoot the Board has determined it must add a new article to its rules and regulations that specifically addresses mule racing. The Board's rules and regulations contain Articles that are unique to harness and quarter horse racing; however, there are none that address conditions specific to mule racing. While mule races may be run according to AMRA rules, those rules are superseded by the Board's regulations. Rule 1402, Controlling Authority, states the rules of the Board supersede the conditions of a race meeting and govern mule racing. The proposed addition of Article 10.5, Mule Racing, will add an Article to the Board's rules and regulations that addresses mules. The proposed addition of Rule 1747, Mule Racing Rules, will make it clear that mule races must still adhere to the Board's regulations, in general, but if there were a condition unique to mules, it would be placed under Article 10.5. The proposed addition of Rule 1748, Shoeing Mules, will allow mules to run barefoot. If a mule does run barefoot the fact must be printed in the racing program, or announced over the public address system prior to the race in which the mule runs.

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed addition of Article 10.5 and Rule 1747 and Rule 1748 will not have a significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed addition of Article 10.5 and Rule 1747 and Rule 1748 will not (1) create or elim-

inate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to add Article 10.5, and Rule 1747 and Rule 1748 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed texts of the regulations, the initial statement of reasons, the modified texts of the regulations, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
E-mail: harolda@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Andrea Ogden, Regulation Analyst
Telephone: (916) 263-6033

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of rea-

sons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed texts, the modified texts, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulations in their current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed texts of the regulations and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

TITLE 4, DIVISION 4, CALIFORNIA CODE OF REGULATIONS

NOTICE OF PROPOSAL TO AMEND RULE 1978. PICK FOUR

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1978, Pick Four, which is a pari-mutuel wager. The proposed amendment changes the title of the regulation from "Select Four" to "Pick Four" and permits the association to provide patrons with the option of selecting an alternate wagering interest when a horse is scratched. The amendment also eliminates the provision under subsection 1978(n) where the favorite horse is substituted for all purposes if a horse is scratched, excused or determined by the Stewards to be a non-starter in a Pick Four race. Subsection 1978(g) and (n) have been amended. Subsection 1978(g) provides if a ticket in any race comprising the Pick Four designates a selection that was scratched, the association may allow patrons the option of selecting an alternate wagering interest. Subsection 1978(n) provides in the event a ticket does not designate an alternate wagering interest and a horse is scratched (which hereinafter includes being declared a non-starter) from any leg of the Pick Four, prior to the running of the first leg, all wagers containing such horse(s) shall be refunded. New Subsections 1978(o), (p), (q) and (r) specify how the payout will be computed if a horse is scratched in the second leg, after the first leg has been run; the payout if a horse is scratched in the third leg, after the second leg has been run; the payout if a horse is scratched in the fourth leg, after the third leg has been run and the payout if a horse is scratched in the second, third and the fourth leg, after the first leg has been run.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, July 19, 2007**, or as soon after that as business before the Board will permit, at the **Del Mar Race Place, 2260 Jimmy Durante Blvd., Del Mar, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on July 16, 2007**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Andrea Ogden, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6033
Fax: (916) 263-6022
E-Mail: andrea@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19440 and 19590, Business and Professions (B&P) Code. Reference: Section 19590, B&P Code.

B&P Code Sections 19420, 19440 and 19590 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific Section 19590, B&P Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions (B&P) Code Section 19420 provides that the Board shall have jurisdiction and supervision over meetings in this State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings. B&P Code Section 19440 states the Board shall have all powers necessary and proper to enable it to adopt rules and regulations for the protection of the public and the control of horse racing. B&P Code Section 19590 provides that the Board shall adopt rules governing, permitting, and regulating pari-mutuel wagering on horse races under the system known as the pari-mutuel method of wagering.

The Pick Four is a separate pari-mutuel pool established on four consecutive races. The pool consists of amounts wagered on the winning horse in each of the races. Subsection 1978(n) currently provides that if a horse is scratched, excused or determined by the stewards to be a nonstarter in the race, the off-time favorite shall be substituted for the non-starting selection for all purposes. At the January 2007 Pari-Mutuel Operations Committee meeting a proposal to amend subsection 1978(n) was heard. The committee learned the substitution of the off-time favorite was not popular with wagering fans, as they were often wagering against the favorite. The National Thoroughbred Racing Association's Players Panel recommended Pick Four wager be amended to eliminate the practice. The proposal to amend subsection 1978(n) provides in the event a ticket does not designate an alternate wagering interest and a horse is scratched from any leg of the Pick Four prior to

the running of the first leg, all wagers containing such horse(s) shall be refunded.

At the April 2007 Board meeting the Board directed staff to initiate a 45-day notice and change the name of the regulation from Select Four to Pick Four to provide clarity.

Subsection 1978(g) provides if a ticket in any race compromising the Pick Four designates a selection that was scratched, excused or determined by the Stewards to be a nonstarter in the race, the association may allow patrons the option of selecting an alternate wagering interest. The alternate betting interest will be substituted for the nonstarting selection for all purposes.

Subsection 1978(o) provides for a consolation payout if a wagering interest is scratched from the second leg of the Pick Four after the start of the first leg. The payout consists of the amount wagered on combinations that included the wagering interest scratched from the second and third leg. The amount is deducted from the gross Pick Four pool, and after the takeout is deducted, the amount is distributed to holders of tickets that combine the winners of the first, third and fourth leg and the scratched wagering interest(s).

Subsection 1978(p) provides for a consolation payout if a wagering interest is scratched from the third leg after the start of the second leg. The payout consists of the amount wagered on combinations that include the wagering interest(s) scratched from the third leg. The amount is deducted from the gross Pick Four pool, and after the takeout is deducted, the amount is distributed to holders of tickets that combine the winners of the first, second and fourth leg and the scratched wagering interest(s).

Subsection 1978(q) provides for a consolation payout if a wagering interest is scratched from the fourth leg after the start of the third leg. The payout consists of the amount wagered on combinations that include the wagering interest(s) scratched from the fourth leg. The amount is deducted from the gross Pick Four pool, and after the takeout is deducted, the amount is distributed to holders of tickets that combine the winners of the first, second and third leg and the scratched wagering interest(s).

Subsection 1978(r) provides for a consolation payout if wagering interests are scratched from the second, third and fourth leg of the Pick Four after the start of the first leg. The payout consists of the amount wagered on combinations that include the wagering interests scratched from the second, third and fourth leg. The amount is deducted from the gross Pick Four pool, and after the takeout is deducted, the amount is distributed to holders of tickets that combine the winner of the first leg and the scratched wagering interests.

All other changes to the text of Rule 1978 were made for purposes of clarity and consistency.

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Section 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1978 will not have a significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1978 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1978 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Andrea Ogden, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6033
E-mail: andrea@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Harold Coburn
Regulation Analyst
Telephone: (916) 263-6397

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Andrea Ogden, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Andrea Ogden at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has

adopted the proposed regulation in its current or modified form, should be sent to the attention of Andrea Ogden at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **July 19, 2007**, at 10:00 a.m. in County Administration Center, Room 358, 1600 Pacific Highway, San Diego, California 92101.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **July 19, 2007**, following the Public Meeting in County Administration Center, Room 358, 1600 Pacific Highway, San Diego, California 92101.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **July 19, 2007**, following the Public Hearing in County Administration Center, Room 358, 1600 Pacific Highway, San Diego, California 92101.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **July 19, 2007**.

1. **TITLE 8:** **GENERAL INDUSTRY SAFETY ORDERS**
Chapter 4, Subchapter 7, Article 13
New Section 3458.1
Date Palm Operations—Use of Special Purpose Ladders

2. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**

Chapter 4, Subchapter 7, Article 90
Section 4884

Hammerhead Tower Cranes

Descriptions of the proposed changes are as follows:

1. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**

Chapter 4, Subchapter 7, Article 13
New Section 3458.1

Date Palm Operations—Use of Special Purpose Ladders

INFORMATIVE DIGEST OF PROPOSED
ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) received a Form 9, Request for New or Change to Existing Safety Order from the Division of Occupational Safety and Health (Division) to amend General Industry Safety Orders, (GISO) by adding new Section 3458.1 addressing ladder use during date palm cultivation and harvesting. The existing Section 3458 addresses fall protection for date palm workers but is silent on the use of ladders for access to and egress from date palm trees.

Depending on the date species, California date palms can grow to be as high as 80 feet. Under current industry practice, metal ladders typically are permanently attached to the upper section of the palm tree trunk near the crown. These ladders are accessed from the ground by portable ladders or elevating equipment. Date palm workers, known as palmeros, ascend and descend the date palm ladder to access the crown of the tree many times during each growing season to cultivate and harvest dates.

Sections 3276–3280 address generic requirements for the use of ladders, and standards for portable wood, metal, reinforced plastic and fixed ladders. Title 8 does not include standards for ladders specifically used to perform date palm harvesting and cultivation operations. These ladders have been determined to be a type of special purpose fixed ladder, as indicated in the recent California Occupational Safety and Health Appeals Board (OSHAB) Decision in the matter of Hadley Date Gardens, Inc., 03–R6D2–2359. The OSHAB determined that ladders used in date palm operations are a special purpose ladder as defined in GISO Section 3278(b) as follows:

Special–Purpose Ladder. A special–purpose ladder is a portable ladder which represents either a modification or a combination of design or construction features in one of the general–purpose types of ladders previously defined, in order to adapt the ladder to special or specific uses.

This matter came about as a result of an accident involving a date palm tree to which two ladders were used in tandem. The palmero fell from the top part of the ladder that was only secured to the date palm tree by a single piece of wire. The ladder separated from the date palm resulting in the palmero falling 35–38 feet to the ground and sustaining serious physical injury. The Division investigated the accident and issued a citation to the employer for alleged violation of Section 3279(d) which addresses standards for portable metal ladders.

The citation was appealed by the employer and the appeal was granted based on the conclusion that the ladder used by the injured palmero was not a portable metal ladder but a “special–purpose” ladder and was not covered by Section 3279(a), thereby negating the citation for Section 3279(d).

The Division and Board staff believes that without enforceable standards to address issues pertaining to the safe use of date palm tree ladders, further accidents could occur. According to the OSHAB decision, the employer representative stated that palmeros for Hadley make a total of 70,000 climbs per year to harvest and cultivate their trees.

New Section 3458.1 Ladders Attached to Date Palms

A new subsection (a) is proposed that would address requirements for the use of ladders that are permanently attached to date palm trees for date palm workers to ascend and descend from the tree during date palm cultivation and harvesting operations.

A new subsection (a)(1) is proposed that would require date palm tree ladders to be attached to the date palm with 12 gauge galvanized wire fasteners securely connected to the ladder section in three places. The wire fasteners would be capable of supporting a minimum, concentrated live load of at least 250 pounds. This proposed amendment will ensure that the ladder will remain securely attached and not fail catastrophically under load and thereby prevent falls, which could injure or kill the employee.

A new subsection (a)(2) is proposed to require that a corrosion resistant steel safety chain be attached to the ladder rails below the top rung and around the crown of tree, which will ensure that there is a backup anchorage to keep the ladder securely armed to the tree trunk.

A new subsection (a)(3) is proposed to require that when ladders are used in tandem, the upper and lower ladder rails are connected by a steel safety chain. This proposal will ensure that the upper and lower ladders will remain securely in place.

A new subsection (a)(4) is proposed to prohibit more than two ladder sections from being permanently attached to the date palm tree. This requirement will limit the number of ladder sections that can be attached safely to the tree.

A new subsection (a)(5) is proposed to state that only one worker may be on a ladder section at a time. The proposed language will ensure that the ladder will not be overstressed and fail which could result in serious employee injury or fatality.

A new subsection (a)(6) is proposed to require that all safety chains have a safety factor of at least 10, which will ensure that the safety chain the employer uses will be sufficient to support the loads it bears.

A new subsection (a)(7) is proposed to require that all ladder rungs be spaced not more than 12 inches apart and be at least 12 inches in length. The proposal will ensure that employees will be provided with a secure foothold that will prevent missteps that could result in a serious fall injury or fatality.

A new subsection (a)(8) is proposed that would require the centerline distance from the ladder rung to the nearest permanent object be spaced to provide a secure foothold on the ladder rung, which also will prevent a misstep that could lead to a serious fall injury or fatality — in this case, the sort of misstep that might occur if a worker is unable to pass enough of his/her foot through the ladder rung.

A new subsection (a)(9) is proposed to limit the length of a ladder section to 15 feet. This proposal will limit ladders to a length that reasonably may be expected to effectively be secured using the galvanized wire and safety chain. In addition, limiting ladder length reduces the employee's ladder exposure.

A new subsection (b) is proposed to reference the generic safe ladder use standards contained in GISO, Section 3276, thereby reminding the employer that employees utilizing date palm tree ladders are to follow the basic safety precautions contained in Section 3276, which include correct body position, carrying loads, and other precautions relevant to protecting the employee from a fall.

A new subsection (c) is proposed that would prohibit the use of ladders made of wood and reinforced plastic from being permanently attached to date palm trees. The proposal is consistent with date industry practice since metal ladders are significantly more durable in the harsh desert climate and less prone to failure.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action. The State of California does not cultivate or harvest dates from date palm trees.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposal is based on date palm industry language originating from guidelines pertaining to the use of ladders on date palm trees as described in a Memorandum from the Date Production Industry Committee to All Date Garden Owners and Operators, regarding: "*Cal/OSHA Requirements for Date Tree Worker's*," dated March 9, 1983. The proposal is not expected to create adverse economic impact upon the California date industry.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur addi-

tional costs in complying with the proposal. Furthermore, this standard does not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

The proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

The proposed standard does not impose unique requirements on local governments. All employers — state, local and private — will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendments to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS** Chapter 4, Subchapter 7, Article 90 Section 4884 **Hammerhead Tower Cranes**

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) received a Form 9 Request for New, or Change In Existing, Safety Order (Form 9-052) from the Division of Occupational Safety and Health (Division) requesting amendments to Section 4884. Existing Section 4884 contains standards for the design, construction and installation of various types of cranes in accordance with established national consensus standards as published by the American National Standards Institute (ANSI) and the American Society of Mechanical Engineers (ASME). Existing Section 4884(b) requires hammerhead tower cranes manufactured after May 16, 1993, to conform to the ASME B30.3-1990 standard for hammerhead tower cranes (HTC). HTC's are again addressed in subsection (c)(1)(A) which requires all cranes and derricks manufactured after September 28, 1986, through June 23, 1999 to be designed, constructed and installed in accordance with listed national consensus standards. HTC's are listed as having to conform to the ANSI B30.3-1975 standard.

Currently, Section 4884 does not address HTC's manufactured on or before September 28, 1986. Consequently, HTC's manufactured on or before September 28, 1986 are not held to any standard of construction, design, installation that can be adhered to by the employer and enforced by the Division, posing a safety hazard to the crane operator, site employees and the general public.

A conflict exists between subsection (b) which requires all HTC's manufactured after May 16, 1993 to conform to the ASME B30.3-1990 HTC standard and subsection (c)(1)(A) which requires all HTC's manufactured after September 28, 1986, and through June 23, 1999, to conform with the ANSI B30.3-1975 HTC standard. Therefore, HTC's manufactured after May 16, 1993, and through June 23, 1999, are required to conform with two different ANSI/ASME B30.3 publications.

This proposal would specify the appropriate national consensus standards applicable to HTC's depending on their date of manufacture and would delete the reference to HTC's in subsection (c)(1)(A).

HTC's manufactured after June 23, 1999 are addressed by the ANSI/ASME B30.3-1996 standard for construction tower cranes in existing Section 4884(c)(1)(B).

Section 4884. Scope.

This section addresses the design, construction and installation of various types of cranes and derricks in accordance with applicable national consensus standards depending on when the crane or derrick was manufactured. This section also addresses the operation, testing, inspection and maintenance of cranes and derricks in accordance with the applicable requirements of Group 13. Section 4884 further requires electrically powered cranes and derricks to meet the requirements of the electrical safety orders.

Subsection (b).

Existing subsection (b) requires hammerhead tower cranes manufactured after May 16, 1993 to conform to ASME B30.3–1990, Hammerhead Tower Cranes.

An amendment is proposed to revise the wording of the opening phrase by replacing the words “after May 16, 1993 shall conform to ASME B30.3–1990, Hammerhead Tower Cranes” with the phrase “on or before June 23, 1999.” The effect of this proposal is to state the expanded scope of subsection (b).

New Subsections (b)(1)–(b)(3).

New subsection (b)(1) is proposed that would require HTC’s manufactured before September 28, 1986, to be designed, constructed and installed in accordance with the ANSI B30.3–1975 standard for HTC. The proposal would specify the standard to which older HTC’s are to be designed, constructed and installed.

New subsection (b)(2) is proposed that would require HTC’s manufactured on September 28, 1986, through May 16, 1993, to be designed, constructed and installed in accordance with the ANSI/ASME B30.3–1984 standard for HTC. The proposal would specify the standard to which HTC’s manufactured during the indicated time span are to be designed, constructed and installed.

New subsection (b)(3) is proposed that would require HTC’s manufactured after May 16, 1993, through June 23, 1999, to conform to the design, construction and installation provisions of the ASME B30.3–1990 standard for HTC. The proposal would specify the standard to which HTC’s manufactured during the indicated time span are to be designed, constructed and installed.

The effect of the proposed addition of new subsections (b)(1)–(b)(3) is to make applicable to each group of HTC’s the ANSI standard that was current at the time the HTC’s were manufactured. In addition, a “NOTE” is added to the end of subsection (b) directing the regulated public’s attention to subsection (c)(1)(B) where ANSI/ASME standards applicable to HTC’s manufactured after June 23, 1999, are referenced.

Subsection (c)(1)(A).

Existing subsection (c)(1)(A) requires cranes and derricks manufactured after September 28, 1986, and

through June 23, 1999 to be designed, constructed and installed in accordance with one of the applicable national consensus standards contained in a list that follows subsection (c)(1)(A). The listed standard is ANSI B30.3–1975, Hammerhead Tower Cranes.

An amendment is proposed to include the phrase “on or” before the phrase “after September 28, 1986.” This proposal would clarify to the employer that cranes and derricks manufactured on, as well as after, September 28, 1986 are to comply with the applicable national consensus standards listed in subsection (c)(1)(A).

An amendment is proposed to delete the reference to ANSI B30.3–1975, Hammerhead Tower Cranes, which will avoid contradiction with proposed new subsections (b)(1)–(3).

Subsection (c)(1)(B).

Existing subsection (c)(1)(B) requires cranes and derricks manufactured after June 23, 1999 to be designed, constructed and installed in accordance with one of the applicable national consensus standards contained in a list that follows subsection (c)(1)(B).

An amendment is proposed to the reference of B30–3–1996, construction tower crane standard, to include the term “hammerhead tower cranes” parenthetically. This proposal will have no effect on the regulated public as it clarifies that this standard also addresses hammerhead tower cranes.

DOCUMENTS INCORPORATED
BY REFERENCE

1. American National Standard, Safety Standards for Cableways, Cranes, Derricks, Hoists, Hooks, Jacks and Slings; Hammerhead Tower Cranes, ANSI B30.3–1975.
2. American National Standard, Safety Standards for Cableways, Cranes, Derricks, Hoists, Hooks, Jacks and Slings; Hammerhead Tower Cranes, ANSI/ASME B30.3–1984.
3. American National Standard, Safety Standards for Cableways, Cranes, Derricks, Hoists, Hooks, Jacks and Slings; Hammerhead Tower Cranes, ASME B30.3–1990.

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the documents by reference. Copies of these documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action. Board staff was not able to identify any state agencies that own or operate hammerhead tower cranes. Hammerhead tower cranes are used almost exclusively for high rise multi-story commercial construction. Hammerhead tower cranes used in conjunction with the construction of California facilities are generally contracted out to independent commercial high rise construction companies.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Board staff believes that it is not unreasonable to expect that most, if not all, hammerhead tower cranes still in use in the private sector which were manufactured prior to September 28, 1986 meet the basic ANSI B30.5-1975 standard for design, construction and installation.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. See explanation under "Impact on Businesses."

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Govern-

ment Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this standard does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

The proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

This proposed standard does not impose unique requirements on local governments. All employers — state, local and private — will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendments to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to

the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than July 13, 2007. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on July 19, 2007, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Keith Umamoto, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 16. STRUCTURAL PEST CONTROL BOARD

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board is proposing to take the action de-

scribed in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, Hearing Room, Suite S-102, 1625 N. Market Blvd., Sacramento, CA, at 9:00 a.m. on July 20, 2007. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Structural Pest Control Board at its office no later than 5:00 PM on July 19, 2007 or must be received by the Structural Pest Control Board at the hearing. The Structural Pest Control Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 8525 of the Business and Professions Code, and to implement, interpret or make specific sections, 8505.3, 8505.5, 8505.7, 8505.13, 8505.15, 8505.16, 8516, 8538, 8642, 8646, and 8652 of said Code, the Structural Pest Control Board is considering changes to Division 19 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

1. Amend Section 1970 Standards and Record Requirements

Business and Professions Code section 8505.13 requires a registered structural pest control company performing a fumigation must compile and retain for a period of at least three years, a log for each fumigation job. This proposal would require that the Standard Structural Fumigation Log (Form 43M-47) be forwarded to the primary contractor within ten business days if a fumigation subcontractor performed the fumigation.

Section 1970 of the California Code of Regulations requires that the registered structural pest control company performing a fumigation list the method and factors used in calculating the amount of fumigant used. This proposal would amend the existing Standard Structural Fumigation Log (Form 43M-47) to include an additional fumigant calculator as well as allow for future calculation methods.

2. Amend 1970.4 Section Pesticide Disclosure Requirement

Business and Professions Code section 8538 requires the registered structural pest control company to provide the owner, or owner's agent, and tenant of the premises for which the fumigation work is to be done with a clear written notice (Form 43M-48) regarding the pest being controlled and pesticide used.

Section 1970.4 of the California Code of Regulations requires that the registered pest control company performing the fumigation report on the Occupants Fumigation Notice and Pesticide Disclosure (Form 43M-48) the pesticide(s)/fumigant(s) proposed to be used and the active ingredient(s). The current form lists a specific fumigant that has been the only product available containing sulfuryl fluoride. An additional product has become available and additional products may be introduced. This proposal would amend the Occupants Fumigation Notice and Pesticide Disclosure (Form 43M-48) to allow for the disclosure of current and future fumigants.

3. Amend Section 1973 Re-Entry Requirements After Fumigation

Section 8505.7 of the Business and Professions Code states that a space to be fumigated shall be vacated until declared by the licensee to be safe for reoccupancy. Section 1973 of the California Code of Regulations requires posting of the Notice of Re-Entry (Form 43M-42) in order to release the property for occupancy. The current form lists a specific fumigant that has been the only product available containing sulfuryl fluoride. An additional product has become available and additional products may be introduced. This proposal would amend the Notice of Re-Entry (Form 43M-42) to provide for written disclosure of new sulfuryl fluoride fumigants.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The Structural Pest Control Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic

impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Structural Pest Control Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Structural Pest Control Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

Section 1970 will have no effect on small businesses because the requirement of the subcontractor to submit an additional form to the primary contractor would not have a financial impact as documents are already being exchanged between the contractors.

Section 1970.4 will have no effect on small businesses because the proposal amends an existing form to require that a company performing a fumigation must inspect for any conduits, pipes, common drains, air ducts, central vacuum systems or any other construction elements that would allow the passage of a fumigant to an adjacent or adjoining structure. The requirement to inspect for conduits is currently stated in Section 1970.6 and this amendment would add a dedicated area on the form to sign off the inspection. As business practices vary, businesses could amend the form either internally and/or externally.

Section 1973 will have no effect on small businesses because the proposal amends an existing form to disclose additional fumigant information.

CONSIDERATION OF ALTERNATIVES

The Structural Pest Control Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Structural Pest Control Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Structural Pest Control Board at 1418 Howe Avenue, Suite 18, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Ryan Vaughn
Address: 1418 Howe Avenue, Suite 18
Sacramento, CA. 95825
Telephone No.: (916) 561-8700
Fax No.: (916) 263-2469
E-Mail Address: Ryan_Vaughn@dca.ca.gov

The backup contact person is:

Name: Susan Saylor
Address: 1418 Howe Avenue, Suite 18
Sacramento, CA. 95825
Telephone No.: (916) 561-8700
Fax No.: (916) 263-2469
E-Mail Address: Susan_Saylor@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.pestboard.ca.gov

TITLE 22. EMPLOYMENT TRAINING PANEL

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Employment Training Panel (Panel) proposes a clarifying amendment Section 4427 in Title 22 of the California Code of Regulations. The Initial Statement of Reasons and Express Text of the proposed action are accessible through the *Pending Regulatory Actions* link on the Home Page of the ETP website (www.etp.ca.gov).

AUTHORITY AND REFERENCE

The Panel's rulemaking authority is set forth at Section 10205(m) of the Unemployment Insurance (UI) Code. The reference is Unemployment Insurance Code Section 10201(b).

INFORMATIVE DIGEST

Amend Section 4427, Temporary Agency

Section 4427 restricts new-hire placements (retention) with a temporary or leasing agency (Agency) to 10% of the total trainee population and an extended retention period of 180 days. The regulation does not account for retraining and retention by a single employer or multiple employer ETP contractor when trainees are permanently hired by that contractor from an Agency, known as a "temporary to permanent" hiring model.

The proposed amendment clarifies Section 4427 in two ways. First, it references Unemployment Insurance (UI) Code Section 606.5 which requires, among other criteria, that an Agency must control employee working conditions. Referencing Section 606.5 will clarify the distinction between Agency and third-party service providers such as a payroll company or a Professional Employer Organization (PEO). Second, the proposed amendment permits retraining and retention by a single employer or multiple employer ETP contractor under the "temporary to permanent" hiring model, case-by-case. The Panel will also revise the regulation name for clarity, as a non-substantive change.

FISCAL DISCLOSURES

The Panel has made the following initial determinations regarding fiscal disclosures required by Section 11346.2 of the Government Code.

A. Fiscal Impact. The Panel has made an initial determination that the proposed actions do not impose costs

or savings requiring reimbursement under Section 17500 *et seq.* of the Government Code. Furthermore, these actions do not impose non-discretionary costs or savings to any local agency; nor do they impact federal funding for the State.

The Panel has made an initial determination that the proposed actions do not impose costs or savings to any State agency pursuant to Section 11346.1(b) or 11346.5(a)(6) of the Government Code. Furthermore, there are no fiscal impact disclosures required by State Administrative Manual sections 6600–6670.

B. Cost Impacts. The Panel is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The same determination applies to housing costs. These actions simply clarify the Panel's definition of Job Creation and thus, there would be no costs associated with these actions.

C. Adverse Impact on Business. The Panel has made an initial determination that the proposed actions do not have any significant, statewide adverse economic impact directly affecting business, including the ability to compete.

D. Effect on Small Business. The Panel has determined that the proposed actions will not affect small businesses unless they seek training funds. Since this action would clarify and simplify the Panel's standards for reviewing and funding training proposals, this would be a positive effect.

E. Effect on Jobs and Business Expansion. The Panel has made an initial determination that the proposed actions would not create or eliminate jobs in California. Nor would they create new businesses or eliminate existing businesses in California. The Panel has made an initial determination that these actions would not directly affect the expansion of businesses currently operating in California.

F. Imposed Mandate. The Panel has made an initial determination that the proposed actions do not impose a mandate on local agencies or school districts.

REASONABLE ALTERNATIVES

The Panel has made an initial determination that there are no reasonable alternatives to the proposed actions that would be more effective in carrying out their purpose, or that would be as effective and less burdensome to affected private parties. Interested persons are welcome to identify reasonable alternatives during the written comment period.

WRITTEN COMMENT PERIOD

A 45-day written comment period has been established beginning on June 1, 2007 and ending at 5:00 p.m. on July 16, 2007. Any interested person, or his or her authorized representative, may present written comments on the proposed actions within that time period. Comments should be sent to:

Maureen Reilly
Employment Training Panel, Legal Unit
1100 "J" Street, Fourth Floor
Sacramento, CA 95814
Telephone: (916) 327-5252
E-Mail: mreilly@etp.ca.gov
FAX: (916) 327-5268

PUBLIC HEARING

A public hearing will not be held unless one is requested by an interested person, or his or her authorized representative. The request must be submitted in writing to the address shown above no later than 5:00 p.m. on the fifteenth day before the written comment period ends. The request should identify the specific regulatory action for which the hearing is requested.

MODIFICATIONS

Modifications to the text of the proposed regulatory actions may be made after the public comment period. If so, they will be posted on the ETP Website at www.etp.ca.gov. They will also be available upon request to the address shown above. Said modifications will be open to public comment for at least 15 days before their adoption, as noticed on the ETP Website.

AVAILABILITY OF DOCUMENTS

The Panel has prepared an Initial Statement of Reasons for the proposed actions, and has compiled all information on which the actions were based. This statement, along with the express text of the proposed actions and the written information on which they were based, are available for inspection at the address shown above.

The Panel will prepare a Final Statement of Reasons at the conclusion of the public comment period. This final statement and the information on which it is based will also be available for inspection at the address shown above. This Notice of Proposed Rulemaking is posted on the ETP Website at www.etp.ca.gov. The Initial Statement of Reasons and the express text of the proposed actions are also posted on the ETP Website.

CONTACT PERSONS

Requests for copies of the express text of the proposed actions and the modified text (if any), and the Initial Statement of Reasons, should be directed to the address shown above. In addition, the “rulemaking file” of written information on which the proposed actions are based is available for inspection upon request.

Protection (CAL FIRE) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FORESTRY AND
FIRE PROTECTION**

Title 14 of the California Code of Regulations

[Notice Published June 1, 2007]

**NOTICE OF CORRECTIONS FOR PROPOSED
RULEMAKING**

Fire Hazard Severity Zones, 2007

The California Department of Forestry and Fire

PROPOSED REGULATORY ACTION

CAL FIRE proposes to amend the following sections of Title 14, Chapter 7. Fire Protection, Subchapter 3 Fire Hazard, Article 1. Fire Hazard Severity, of the California Code of Regulations (14 CCR):

§1280. Fire Hazard Severity Zones

NOTICE OF CORRECTIONS

Below are changes and corrections to locations, dates and contact person for public hearings for this regulation. All other hearing information remains the same as published in the May 25, 2007, hearing notices under this same regulatory title.

Correction to hearing dates, times, location, and local contact person

<u>County Name</u>	<u>Hearing Date and Time</u>	<u>Hearing Location</u>	<u>Local Contact Person</u>
Mariposa	July 12, 6:00 PM	Mariposa County Government Center, Board of Supervisors Chambers, 5100 Bullion St., Mariposa, CA 95338	Tracy Cheek (209) 966 3622
Mono	June 19, 7:00 PM	Bridgeport Courthouse, Board Chamber, Hwy 395, Bridgeport, CA 93517	Paul Camarena (909) 881-6928
Note: The above Mono County hearing in Bridgeport, CA, is a second meeting being broascasted live via television from the Mono County hearing in Mammoth, CA, also being held on June 19 at 7:00 PM.			
San Benito	July 17, 6:00 PM	San Benito County Board of Supervisors, 481 4th St., 1st floor, Hollister, CA 95023-3840	Catey Trenner (831) 333-2600
Santa Cruz	July 12, 3:00 PM	Santa Cruz Board's Chambers Governmental Center Building, 701 Ocean Street, Room 525, Santa Cruz, CA 95060	John Martinez (831) 335-6728
Stanislaus	June 28, 3:00 PM	Regional Fire Science Training Center, Room 107 and 108, 1220 Fire Science Ln., Modesto CA, 95351	Rich Strazzo (209) 754-2725

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to CAL FIRE. The written comment period ends at 5:00 P.M., on Tuesday, July 31, 2007. CAL FIRE will consider only written comments received at the Department office by that time (in addition to those written comments received at the public hearing). CAL FIRE requests, but does not require, that persons who submit written comments to CAL FIRE reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments may be submitted by U.S. mail to the following address:

Christopher Zimny
Regulations Coordinator
California Department of Forestry and Fire
Protection
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered or sent by courier to the contact person listed in this notice at the following address:

California Department of Forestry and Fire
Protection
Resources Building
1416 9th St., Room 1517
Sacramento, CA 95818

Written comments may also be sent to CAL FIRE via facsimile at the following phone number:

(916) 653-8957

Written comments may also be delivered via e-mail at the following address:

chris.zimny@fire.ca.gov

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Christopher Zimny
Regulations Coordinator
California Department of Forestry and Fire
Protection
P.O. Box 944246
Sacramento, CA 94244-2460

The designated backup person in the event Mr. Zimny is not available is Doug Wickizer, California Depart-

ment of Forestry and Fire Protection, phone number (916) 653-5602 at the above address.

The regulation, maps, and Geographic Information System data for the maps can be electronically viewed and downloaded at: <http://www.fire.ca.gov/wildland.php>

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

CAL FIRE has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request. When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

CAL FIRE will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at the following address.

California Department of Forestry and Fire
Protection
Resources Building
Room 1517
1416 9th St.
Sacramento, CA 94816
Attention: Christopher Zimny
Tel: (916) 653-9418

All of the above referenced information is also available on the CAL FIRE website at:
<http://www.fire.ca.gov/wildland.php>

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, CAL FIRE may adopt the proposed regulations substantially as described in this notice. If CAL FIRE makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before CAL FIRE adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or

- c) requested notification of the availability of such changes from CAL FIRE.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. CAL FIRE will accept written comments on the modified regulations for 15 days after the date on which they are made available.

DEPARTMENT OF HEALTH SERVICES

NOTICE OF GENERAL PUBLIC INTEREST

THE CALIFORNIA DEPARTMENT OF HEALTH SERVICES INTENDS TO SUBMIT A STATE PLAN AMENDMENT OBTAINING FEDERAL FINANCIAL PARTICIPATION FOR ADULT DAY CARE AND ASSOCIATED TRANSPORTATION EXPENDITURES

The California Department of Health Services (CDHS) is preparing a State Plan Amendment, which will include a reimbursement methodology to obtain Federal Financial Participation for Adult Day Care (ADC) and the associated transportation for Intermediate Care Facilities for the Developmentally Disabled—Habilitative (ICF/DD–H) and ICF/DD–Nursing (ICF/DD–N). CDHS seeks to implement the proposed methodology on June 1, 2007, subject to Centers for Medicare & Medicaid Services approval. Currently, ADC and the associated transportation are paid with state General Funds.

FEDERAL FINANCIAL PARTICIPATION FOR ADULT DAY CARE (ADC) AND ASSOCIATED TRANSPORTATION EXPENDITURES

Currently, Medi-Cal reimburses ICF/DD–H and ICF/DD–N facilities at a “bundled rate,” a single rate per client, per day that includes payment for all services required to maintain the client in the facility, as specified in Title 22, California Code of Regulations, Sections 54510.0 through 51510.3. In addition to the per day Medi-Cal reimbursement rate paid to the ICF/DD–H and ICF/DD–N facilities, the State also pays for ADC and the associated transportation as an out-of-facility community service at 100% state General Fund dollars, when these services are part of the consumer’s Individual Program Plan that is developed by the Regional Centers. At this time, these services are not eligible as “stand-alone” Medi-Cal services. The Regional Centers are currently responsible for scheduling these services for each consumer and for reimbursing the ADC and transportation vendors. (General Fund dollars are

part of the Regional Centers’ budgets). CDHS proposes to continue this process and enter into an Interagency Agreement with the California Department of Developmental Services that currently pays the Regional Centers to coordinate the transportation to and from the ADCs.

PUBLIC REVIEW

Copies of the proposed methodology are available for public review at local county welfare offices throughout the state. Any person may submit written comments to or request copies of the proposal from:

Sandra G. Yien, Chief
Long-Term Care Reimbursement Unit
California Department of Health Services
1501 Capitol Avenue, MS 4612
Sacramento, CA 95814
916-552-9636

DEPARTMENT OF HEALTH SERVICES

NOTICE OF GENERAL PUBLIC INTEREST

THE CALIFORNIA DEPARTMENT OF HEALTH SERVICES INTENDS TO SUBMIT A STATE PLAN AMENDMENT REGARDING MEDI-CAL LONG-TERM CARE REIMBURSEMENT RATES FOR SUBACUTE SERVICES IN DISTINCT PART NURSING FACILITIES

The California Department of Health Services (CDHS) is issuing this public notice to provide information regarding the setting of Medi-Cal reimbursement rates for subacute care services provided in distinct part nursing facilities (DP/NFs) for the rate year 2006–2007 and subsequent rate years. CDHS intends to submit an amendment to California’s Medicaid State Plan, to continue a specified element of the Medi-Cal reimbursement rate methodology for subacute services in rate year 2006–2007 and each rate year thereafter.

REVISION TO SUBACUTE REIMBURSEMENT RATE METHODOLOGY

For rate year 2005–06, the DP/NF subacute reimbursement rate methodology in the State Plan requires CDHS to pay providers the lesser of their projected costs or the cost of their prospective class median. To prevent rate decreases for facilities that would otherwise experience a decrease, the plan authorizes CDHS

to continue the reimbursement rate from the 2004–05 rate year for facilities that would otherwise experience a decrease. The proposed State Plan Amendment would continue this same methodology (to prevent decreases) on a permanent basis beginning for rate year 2006–07 (or other date as may be required by the federal Centers for Medicare & Medicaid Services).

PUBLIC REVIEW

Copies of the proposed changes are available for public review at local county welfare offices throughout the state. Any person may submit written comments to or request copies of the proposal from:

Sandra G. Yien, Chief
Long-Term Care Reimbursement Unit
California Department of Health Services
1501 Capitol Avenue, MS 4612
Sacramento, CA 95814
916-552-9636

FISH AND GAME COMMISSION

NOTICE OF RECEIPT OF PETITION

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission, on May 4, 2007, received a petition from Gary R. Alten to remove the American Peregrine Falcon (*Falco peregrinus anatum*) from the Endangered Species List. Peregrines are very resilient and willing to nest in a great variety of locations and on different substrates. Their adaptability allows them to nest in almost any city where appropriate conditions are met: abundance of food and high buildings with suitable nesting ledges. Both coastal and inland areas that support an abundance of prey species are very important to peregrines, especially barrier islands and associated lagoons.

Pursuant to Section 2073 of the Fish and Game Code, on May 15, 2007, the Commission transmitted the petition to the Department of Fish and Game for review pursuant to Section 2073.5 of said code. The Department's evaluation and recommendation relating to the petition will be received by the Commission at its October 11, 2007, meeting in Concord. Interested parties may contact Dr. Eric Loft, Wildlife Branch, Department of Fish and Game, at telephone (916) 445-3406 for information on the petition or to submit information to the Department relating to the petitioned species.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (Proposition 65)

NOTICE TO INTERESTED PARTIES June 1, 2007

CHEMICAL LISTED EFFECTIVE **June 1, 2007** AS KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is adding *iprovalicarb* (CAS No. 140923-17-7 and 140923-25-7) to the list of chemicals known to the state to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Health and Safety Code section 25249.5 et seq., commonly known as Proposition 65¹). The listing of *iprovalicarb* is effective **June 1, 2007**.

Iprovalicarb (CAS No. 140923-17-7 and 140923-25-7) is being listed as a chemical known to the State of California to cause cancer. The listing of this chemical is based on formal identification by an authoritative body (i.e., the U.S. Environmental Protection Agency ("U.S. EPA"), that the chemical causes cancer. The criteria used by OEHHA for the listing of chemicals under the "authoritative bodies" mechanism can be found in Title 22, Cal. Code of Regs., section 12306.

The reader is directed to the Notice of Intent to List *Iprovalicarb* (CAS No. 140923-17-7 and 140923-25-7) published in the November 25, 2005 issue of the *California Regulatory Notice Register* (Register 2005, No. 47-Z) for the documentation supporting OEHHA's determination that the criteria for administrative listing have been satisfied for this chemical.

OEHHA analysis of dose-response data to establish the no significant risk level (NSRL) for *iprovalicarb* (CAS No. 140923-17-7 and 140923-25-7) under Proposition 65 has not yet been conducted. The priority status for the development of such analysis will be an-

¹Health and Safety Code section 25249.5 et seq.

nounced in a future OEHHA *Proposition 65 Status Report for Safe Harbor Levels*, available at <http://www.oehha.ca.gov/prop65.html>.

A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register*.

Cancer

Chemical	CAS No.	Toxicological Endpoint	Listing Mechanism ¹
Iprovalicarb	140923-17-7 140923-25-7	cancer	AB

¹Listing mechanism: AB — “authoritative bodies” mechanism (Title 22, Cal. Code of Regs. section 12306)

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE STATE TO
CAUSE CANCER OR REPRODUCTIVE
TOXICITY JUNE 1, 2007

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish

at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikethrough were placed on the list with the date noted, and have subsequently been removed.

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148-68-5	January 1, 1990
Acetaldehyde	75-07-0	April 1, 1988
Acetamide	60-35-5	January 1, 1990
Acetochlor	34256-82-1	January 1, 1989
2-Acetylaminofluorene	53-96-3	July 1, 1987
Acifluorfen	62476-59-9	January 1, 1990
Acrylamide	79-06-1	January 1, 1990
Acrylonitrile	107-13-1	July 1, 1987
Actinomycin D	50-76-0	October 1, 1989
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688-53-7	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972-60-8	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309-00-2	July 1, 1988
Allyl chloride <u>Delisted October 29, 1999</u>	107-05-1	January 1, 1990
2-Aminoanthraquinone	117-79-3	October 1, 1989
p-Aminoazobenzene	60-09-3	January 1, 1990
ortho-Aminoazotoluene	97-56-3	July 1, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92-67-1	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81-49-2	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109-97-3	July 1, 1989

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
2-Aminofluorene	153-78-6	January 29, 1999
1-Amino-2-methylanthraquinone	82-28-0	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712-68-5	July 1, 1987
4-Amino-2-nitrophenol	119-34-6	January 29, 1999
Amitrole	61-82-5	July 1, 1987
Analgesic mixtures containing phenacetin	—	February 27, 1987
Aniline	62-53-3	January 1, 1990
Aniline hydrochloride	142-04-1	May 15, 1998
ortho-Anisidine	90-04-0	July 1, 1987
ortho-Anisidine hydrochloride	134-29-2	July 1, 1987
Antimony oxide (Antimony trioxide)	1309-64-4	October 1, 1990
Aramite	140-57-8	July 1, 1987
Areca nut	—	February 3, 2006
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332-21-4	February 27, 1987
Auramine	492-80-8	July 1, 1987
Azacitidine	320-67-2	January 1, 1992
Azaserine	115-02-6	July 1, 1987
Azathioprine	446-86-6	February 27, 1987
Azobenzene	103-33-3	January 1, 1990
Benz[a]anthracene	56-55-3	July 1, 1987
Benzene	71-43-2	February 27, 1987
Benzidine [and its salts]	92-87-5	February 27, 1987
Benzidine-based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205-99-2	July 1, 1987
Benzo[j]fluoranthene	205-82-3	July 1, 1987
Benzo[k]fluoranthene	207-08-9	July 1, 1987
Benzofuran	271-89-6	October 1, 1990
Benzo[a]pyrene	50-32-8	July 1, 1987
Benzotrichloride	98-07-7	July 1, 1987
Benzyl chloride	100-44-7	January 1, 1990
Benzyl violet 4B	1694-09-3	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
Betel quid without tobacco	—	February 3, 2006
2,2-Bis(bromomethyl)-1,3-propanediol	3296-90-0	May 1, 1996
Bis(2-chloroethyl)ether	111-44-4	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine)	494-03-1	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	154-93-8	July 1, 1987
Bis(chloromethyl)ether	542-88-1	February 27, 1987
Bis(2-chloro-1-methylethyl) ether, technical grade	—	October 29, 1999
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990
Bracken fern	—	January 1, 1990
Bromate	15541-45-4	May 31, 2002
Bromodichloromethane	75-27-4	January 1, 1990
Bromoethane	74-96-4	December 22, 2000
Bromoform	75-25-2	April 1, 1991
1,3-Butadiene	106-99-0	April 1, 1988
1,4-Butanediol dimethanesulfonate (Busulfan)	55-98-1	February 27, 1987
Butylated hydroxyanisole	25013-16-5	January 1, 1990
beta-Butyrolactone	3068-88-0	July 1, 1987

<i><u>Chemical</u></i>	<i><u>CASNumber</u></i>	<i><u>Date</u></i>
Cacodylic acid	75-60-5	May 1, 1996
Cadmium and cadmium compounds	—	October 1, 1987
Caffeic acid	331-39-5	October 1, 1994
Captafol	2425-06-1	October 1, 1988
Captan	133-06-2	January 1, 1990
Carbazole	86-74-8	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	1333-86-4	February 21, 2003
Carbon tetrachloride	56-23-5	October 1, 1987
Carbon-black extracts	—	January 1, 1990
N-Carboxymethyl-N-nitrosourea	60391-92-6	January 25, 2002
Catechol	120-80-9	July 15, 2003
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Certain combined chemotherapy for lymphomas	—	February 27, 1987
Chlorambucil	305-03-3	February 27, 1987
Chloramphenicol	56-75-7	October 1, 1989
Chlordane	57-74-9	July 1, 1988
Chlordecone (Kepone)	143-50-0	January 1, 1988
Chlordimeform	6164-98-3	January 1, 1989
Chlorendic acid	115-28-6	July 1, 1989
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171-26-2	July 1, 1989
p-Chloroaniline	106-47-8	October 1, 1994
p-Chloroaniline hydrochloride	20265-96-7	May 15, 1998
Chlorodibromomethane <u>Delisted October 29, 1999</u>	124-48-1	January 1, 1990
Chloroethane (Ethyl chloride)	75-00-3	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU)	13010-47-4	January 1, 1988
(Lomustine)		
1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909-09-6	October 1, 1988
Chloroform	67-66-3	October 1, 1987
Chloromethyl methyl ether (technical grade)	107-30-2	February 27, 1987
3-Chloro-2-methylpropene	563-47-3	July 1, 1989
1-Chloro-4-nitrobenzene	100-00-5	October 29, 1999
4-Chloro-ortho-phenylenediamine	95-83-0	January 1, 1988
p-Chloro-o-toluidine	95-69-2	January 1, 1990
p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998
5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997
Chloroprene	126-99-8	June 2, 2000
Chlorothalonil	1897-45-6	January 1, 1989
Chlorotrianisene	569-57-3	September 1, 1996
Chlorozotocin	54749-90-5	January 1, 1992
Chromium (hexavalent compounds)	—	February 27, 1987
Chrysene	218-01-9	January 1, 1990
C.I. Acid Red 114	6459-94-5	July 1, 1992
C.I. Basic Red 9 monohydrochloride	569-61-9	July 1, 1989
C.I. Direct Blue 15	2429-74-5	August 26, 1997
C.I. Direct Blue 218	28407-37-6	August 26, 1997
C.I. Solvent Yellow 14	842-07-9	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	59865-13-3	January 1, 1992
	79217-60-0	
Cidofovir	113852-37-2	January 29, 1999
Cinnamyl anthranilate	87-29-6	July 1, 1989
Cisplatin	15663-27-1	October 1, 1988

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Citrus Red No. 2	6358-53-8	October 1, 1989
Clofibrate	637-07-0	September 1, 1996
Cobalt metal powder	7440-48-4	July 1, 1992
Cobalt [II] oxide	1307-96-6	July 1, 1992
Cobalt sulfate	10124-43-3	May 20, 2005
Cobalt sulfate heptahydrate	10026-24-1	June 2, 2000
Coke oven emissions	—	February 27, 1987
Conjugated estrogens	—	February 27, 1987
Creosotes	—	October 1, 1988
para-Cresidine	120-71-8	January 1, 1988
Cupferron	135-20-6	January 1, 1988
Cycasin	14901-08-7	January 1, 1988
Cyclophosphamide (anhydrous)	50-18-0	February 27, 1987
Cyclophosphamide (hydrated)	6055-19-2	February 27, 1987
Cytembena	21739-91-3	May 15, 1998
D&C Orange No. 17	3468-63-1	July 1, 1990
D&C Red No. 8	2092-56-0	October 1, 1990
D&C Red No. 9	5160-02-1	July 1, 1990
D&C Red No. 19	81-88-9	July 1, 1990
Dacarbazine	4342-03-4	January 1, 1988
Daminozide	1596-84-5	January 1, 1990
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117-10-2	January 1, 1992
Daunomycin	20830-81-3	January 1, 1988
DDD (Dichlorodiphenyldichloroethane)	72-54-8	January 1, 1989
DDE (Dichlorodiphenyldichloroethylene)	72-55-9	January 1, 1989
DDT (Dichlorodiphenyltrichloroethane)	50-29-3	October 1, 1987
DDVP (Dichlorvos)	62-73-7	January 1, 1989
N,N' -Diacetylbenzidine	613-35-4	October 1, 1989
2,4-Diaminoanisole	615-05-4	October 1, 1990
2,4-Diaminoanisole sulfate	39156-41-7	January 1, 1988
4,4' -Diaminodiphenyl ether (4,4' -Oxydianiline)	101-80-4	January 1, 1988
2,4-Diaminotoluene	95-80-7	January 1, 1988
Diaminotoluene (mixed)	—	January 1, 1990
Diazoaminobenzene	136-35-6	May 20, 2005
Dibenz[a,h]acridine	226-36-8	January 1, 1988
Dibenz[a,j]acridine	224-42-0	January 1, 1988
Dibenz[a,h]anthracene	53-70-3	January 1, 1988
7H-Dibenzo[c,g]carbazole	194-59-2	January 1, 1988
Dibenzo[a,e]pyrene	192-65-4	January 1, 1988
Dibenzo[a,h]pyrene	189-64-0	January 1, 1988
Dibenzo[a,i]pyrene	189-55-9	January 1, 1988
Dibenzo[a,l]pyrene	191-30-0	January 1, 1988
1,2-Dibromo-3-chloropropane (DBCP)	96-12-8	July 1, 1987
2,3-Dibromo-1-propanol	96-13-9	October 1, 1994
Dichloroacetic acid	79-43-6	May 1, 1996
p-Dichlorobenzene	106-46-7	January 1, 1989
3,3' -Dichlorobenzidine	91-94-1	October 1, 1987
3,3' -Dichlorobenzidine dihydrochloride	612-83-9	May 15, 1998
1,4-Dichloro-2-butene	764-41-0	January 1, 1990
3,3' -Dichloro-4,4' -diaminodiphenyl ether	28434-86-8	January 1, 1988
1,1-Dichloroethane	75-34-3	January 1, 1990
Dichloromethane (Methylene chloride)	75-09-2	April 1, 1988
1,2-Dichloropropane	78-87-5	January 1, 1990

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
1,3-Dichloropropene	542-75-6	January 1, 1989
Dieldrin	60-57-1	July 1, 1988
Dienestrol	84-17-3	January 1, 1990
Diepoxybutane	1464-53-5	January 1, 1988
Diesel engine exhaust	—	October 1, 1990
Di(2-ethylhexyl)phthalate	117-81-7	January 1, 1988
1,2-Diethylhydrazine	1615-80-1	January 1, 1988
Diethyl sulfate	64-67-5	January 1, 1988
Diethylstilbestrol (DES)	56-53-1	February 27, 1987
Diglycidyl resorcinol ether (DGRE)	101-90-6	July 1, 1989
Dihydrosafrole	94-58-6	January 1, 1988
Diisopropyl sulfate	2973-10-6	April 1, 1993
3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119-90-4	January 1, 1988
3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325-40-0	October 1, 1990
3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine	—	June 11, 2004
3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine	—	June 11, 2004
Dimethyl sulfate	77-78-1	January 1, 1988
4-Dimethylaminoazobenzene	60-11-7	January 1, 1988
trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	55738-54-0	January 1, 1988
7,12-Dimethylbenz(a)anthracene	57-97-6	January 1, 1990
3,3'-Dimethylbenzidine (ortho-Tolidine)	119-93-7	January 1, 1988
3,3'-Dimethylbenzidine dihydrochloride	612-82-8	April 1, 1992
Dimethylcarbamoyl chloride	79-44-7	January 1, 1988
1,1-Dimethylhydrazine (UDMH)	57-14-7	October 1, 1989
1,2-Dimethylhydrazine	540-73-8	January 1, 1988
Dimethylvinylchloride	513-37-1	July 1, 1989
3,7-Dinitrofluoranthene	105735-71-5	August 26, 1997
3,9-Dinitrofluoranthene	22506-53-2	August 26, 1997
1,6-Dinitropyrene	42397-64-8	October 1, 1990
1,8-Dinitropyrene	42397-65-9	October 1, 1990
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
2,4-Dinitrotoluene	121-14-2	July 1, 1988
2,6-Dinitrotoluene	606-20-2	July 1, 1995
Di-n-propyl isocinchomeronate (MGK Repellent 326)	136-45-8	May 1, 1996
1,4-Dioxane	123-91-1	January 1, 1988
Diphenylhydantoin (Phenytoin)	57-41-0	January 1, 1988
Diphenylhydantoin (Phenytoin), sodium salt	630-93-3	January 1, 1988
Direct Black 38 (technical grade)	1937-37-7	January 1, 1988
Direct Blue 6 (technical grade)	2602-46-2	January 1, 1988
Direct Brown 95 (technical grade)	16071-86-6	October 1, 1988
Disperse Blue 1	2475-45-8	October 1, 1990
Diuron	330-54-1	May 31, 2002
Doxorubicin hydrochloride (Adriamycin)	25316-40-9	July 1, 1987
Epichlorohydrin	106-89-8	October 1, 1987
Erionite	12510-42-8/ 66733-21-9	October 1, 1988
Estradiol 17B	50-28-2	January 1, 1988
Estragole	140-67-0	October 29, 1999
Estrogens, steroidal	—	August 19, 2005

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Estrone	53-16-7	January 1, 1988
Estropipate	7280-37-7	August 26, 1997
Ethinylestradiol	57-63-6	January 1, 1988
Ethoprop	13194-48-4	February 27, 2001
Ethyl acrylate	140-88-5	July 1, 1989
Ethylbenzene	100-41-4	June 11, 2004
Ethyl methanesulfonate	62-50-0	January 1, 1988
Ethyl-4,4'-dichlorobenzilate	510-15-6	January 1, 1990
Ethylene dibromide	106-93-4	July 1, 1987
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	October 1, 1987
Ethylene oxide	75-21-8	July 1, 1987
Ethylene thiourea	96-45-7	January 1, 1988
Ethyleneimine	151-56-4	January 1, 1988
Fenoxycarb	72490-01-8	June 2, 2000
Folpet	133-07-3	January 1, 1989
Formaldehyde (gas)	50-00-0	January 1, 1988
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570-75-0	January 1, 1988
Fumonisin B ₁	116355-83-0	November 14, 2003
Furan	110-00-9	October 1, 1993
Furazolidone	67-45-8	January 1, 1990
Furmecyclox	60568-05-0	January 1, 1990
Fusarin C	79748-81-5	July 1, 1995
Ganciclovir sodium	82410-32-0	August 26, 1997
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
Gemfibrozil	25812-30-0	December 22, 2000
Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990
Glu-P-1 (2-Amino-6-methyldipyrdo[1,2-a:3',2'-d]imidazole)	67730-11-4	January 1, 1990
Glu-P-2 (2-Aminodipyrdo[1,2-a:3',2'-d]imidazole)	67730-10-3	January 1, 1990
Glycidaldehyde	765-34-4	January 1, 1988
Glycidol	556-52-5	July 1, 1990
Griseofulvin	126-07-8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568-02-8	January 1, 1988
HC Blue 1	2784-94-3	July 1, 1989
Heptachlor	76-44-8	July 1, 1988
Heptachlor epoxide	1024-57-3	July 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004
Hexachlorobenzene	118-74-1	October 1, 1987
Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Hexachlorodibenzodioxin	34465-46-8	April 1, 1988
Hexachloroethane	67-72-1	July 1, 1990
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005
Hexamethylphosphoramide	680-31-9	January 1, 1988
Hydrazine	302-01-2	January 1, 1988
Hydrazine sulfate	10034-93-2	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	122-66-7	January 1, 1988
1-Hydroxyanthraquinone	129-43-1	May 27, 2005
Indeno [1,2,3-cd]pyrene	193-39-5	January 1, 1988
Indium phosphide	22398-80-7	February 27, 2001
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180-96-6	April 1, 1990
Iprodione	36734-19-7	May 1, 1996

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
<u>Iprovalicarb</u>	<u>140923-17-7</u>	<u>June 1, 2007</u>
	<u>140923-25-7</u>	
Iron dextran complex	9004-66-4	January 1, 1988
Isobutyl nitrite	542-56-3	May 1, 1996
Isoprene	78-79-5	May 1, 1996
Isosaffrole <u>Delisted December 8, 2006</u>	120-58-1	October 1, 1989
Isoxaflutole	141112-29-0	December 22, 2000
Lactofen	77501-63-4	January 1, 1989
Lasiocarpine	303-34-4	April 1, 1988
Lead acetate	301-04-2	January 1, 1988
Lead and lead compounds	—	October 1, 1992
Lead phosphate	7446-27-7	April 1, 1988
Lead subacetate	1335-32-6	October 1, 1989
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Lynestrenol	52-76-6	February 27, 2001
Mancozeb	8018-01-7	January 1, 1990
Maneb	12427-38-2	January 1, 1990
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006-83-7	January 1, 1990
Medroxyprogesterone acetate	71-58-9	January 1, 1990
MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094-11-2	October 1, 1994
MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500-04-0	October 1, 1994
Melphalan	148-82-3	February 27, 1987
Merphalan	531-76-0	April 1, 1988
Mestranol	72-33-3	April 1, 1988
Metham sodium	137-42-8	November 6, 1998
8-Methoxypsoralen with ultraviolet A therapy	298-81-7	February 27, 1987
5-Methoxypsoralen with ultraviolet A therapy	484-20-8	October 1, 1988
2-Methylaziridine (Propyleneimine)	75-55-8	January 1, 1988
Methylazoxymethanol	590-96-5	April 1, 1988
Methylazoxymethanol acetate	592-62-1	April 1, 1988
Methyl carbamate	598-55-0	May 15, 1998
3-Methylcholanthrene	56-49-5	January 1, 1990
5-Methylchrysene	3697-24-3	April 1, 1988
4,4' -Methylene bis(2-chloroaniline)	101-14-4	July 1, 1987
4,4' -Methylene bis(N,N-dimethyl)benzenamine	101-61-1	October 1, 1989
4,4' -Methylene bis(2-methylaniline)	838-88-0	April 1, 1988
4,4' -Methylenedianiline	101-77-9	January 1, 1988
4,4' -Methylenedianiline dihydrochloride	13552-44-8	January 1, 1988
Methyleugenol	93-15-2	November 16, 2001
Methylhydrazine and its salts	—	July 1, 1992
Methyl iodide	74-88-4	April 1, 1988
Methylmercury compounds	—	May 1, 1996
Methyl methanesulfonate	66-27-3	April 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129-15-7	April 1, 1988
N-Methyl-N' -nitro-N-nitrosoguanidine	70-25-7	April 1, 1988
N-Methylolacrylamide	924-42-5	July 1, 1990
Methylthiouracil	56-04-2	October 1, 1989
Metiram	9006-42-2	January 1, 1990
Metronidazole	443-48-1	January 1, 1988
Michler's ketone	90-94-8	January 1, 1988
Mirex	2385-85-5	January 1, 1988
Mitomycin C	50-07-7	April 1, 1988
Monocrotaline	315-22-0	April 1, 1988

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone	139-91-3	April 1, 1988
Mustard Gas	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone)	77439-76-0	December 22, 2000
Nafenopin	3771-19-5	April 1, 1988
Nalidixic acid	389-08-2	May 15, 1998
Naphthalene	91-20-3	April 19, 2002
1-Naphthylamine	134-32-7	October 1, 1989
2-Naphthylamine	91-59-8	February 27, 1987
Nickel (Metallic)	7440-02-0	October 1, 1989
Nickel acetate	373-02-4	October 1, 1989
Nickel carbonate	3333-67-3	October 1, 1989
Nickel carbonyl	13463-39-3	October 1, 1987
Nickel compounds	—	May 7, 2004
Nickel hydroxide	12054-48-7; 12125-56-3	October 1, 1989
Nickelocene	1271-28-9	October 1, 1989
Nickel oxide	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
Nickel subsulfide	12035-72-2	October 1, 1987
Niridazole	61-57-4	April 1, 1988
Nitrapyrin	1929-82-4	October 5, 2005
Nitrilotriacetic acid	139-13-9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	18662-53-8	April 1, 1989
5-Nitroacenaphthene	602-87-9	April 1, 1988
5-Nitro-o-anisidine <u>Delisted December 8, 2006</u>	99-59-2	October 1, 1989
o-Nitroanisole	91-23-6	October 1, 1992
Nitrobenzene	98-95-3	August 26, 1997
4-Nitrobiphenyl	92-93-3	April 1, 1988
6-Nitrochrysene	7496-02-8	October 1, 1990
Nitrofen (technical grade)	1836-75-5	January 1, 1988
2-Nitrofluorene	607-57-8	October 1, 1990
Nitrofurazone	59-87-0	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555-84-0	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531-82-8	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51-75-2	January 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55-86-7	April 1, 1988
Nitrogen mustard N-oxide	126-85-2	April 1, 1988
Nitrogen mustard N-oxide hydrochloride	302-70-5	April 1, 1988
Nitromethane	75-52-5	May 1, 1997
2-Nitropropane	79-46-9	January 1, 1988
1-Nitropyrene	5522-43-0	October 1, 1990
4-Nitropyrene	57835-92-4	October 1, 1990
N-Nitrosodi-n-butylamine	924-16-3	October 1, 1987
N-Nitrosodiethanolamine	1116-54-7	January 1, 1988
N-Nitrosodiethylamine	55-18-5	October 1, 1987
N-Nitrosodimethylamine	62-75-9	October 1, 1987
p-Nitrosodiphenylamine	156-10-5	January 1, 1988
N-Nitrosodiphenylamine	86-30-6	April 1, 1988
N-Nitrosodi-n-propylamine	621-64-7	January 1, 1988
N-Nitroso-N-ethylurea	759-73-9	October 1, 1987
3-(N-Nitrosomethylamino)propionitrile	60153-49-3	April 1, 1990
4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	64091-91-4	April 1, 1990

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
N-Nitrosomethylethylamine	10595-95-6	October 1, 1989
N-Nitroso-N-methylurea	684-93-5	October 1, 1987
N-Nitroso-N-methylurethane	615-53-2	April 1, 1988
N-Nitrosomethylvinylamine	4549-40-0	January 1, 1988
N-Nitrosomorpholine	59-89-2	January 1, 1988
N-Nitrosornicotine	16543-55-8	January 1, 1988
N-Nitrosopiperidine	100-75-4	January 1, 1988
N-Nitrosopyrrolidine	930-55-2	October 1, 1987
N-Nitrososarcosine	13256-22-9	January 1, 1988
o-Nitrotoluene	88-72-2	May 15, 1998
Norethisterone (Norethindrone)	68-22-4	October 1, 1989
Norethynodrel	68-23-5	February 27, 2001
Ochratoxin A	303-47-9	July 1, 1990
Oil Orange SS	2646-17-5	April 1, 1988
Oral contraceptives, combined	—	October 1, 1989
Oral contraceptives, sequential	—	October 1, 1989
Oxadiazon	19666-30-9	July 1, 1991
Oxazepam	604-75-1	October 1, 1994
Oxymetholone	434-07-1	January 1, 1988
Oxythioquinox (Chinomethionat)	2439-01-2	August 20, 1999
Palygorskite fibers (> 5µm in length)	12174-11-7	December 28, 1999
Panfuran S	794-93-4	January 1, 1988
Pentachlorophenol	87-86-5	January 1, 1990
Phenacetin	62-44-2	October 1, 1989
Phenazopyridine	94-78-0	January 1, 1988
Phenazopyridine hydrochloride	136-40-3	January 1, 1988
Phenesterin	3546-10-9	July 1, 1989
Phenobarbital	50-06-6	January 1, 1990
Phenolphthalein	77-09-8	May 15, 1998
Phenoxybenzamine	59-96-1	April 1, 1988
Phenoxybenzamine hydrochloride	63-92-3	April 1, 1988
o-Phenylenediamine and its salts	95-54-5	May 15, 1998
Phenyl glycidyl ether	122-60-1	October 1, 1990
Phenylhydrazine and its salts	—	July 1, 1992
o-Phenylphenate, sodium	132-27-4	January 1, 1990
o-Phenylphenol	90-43-7	August 4, 2000
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650-23-5	October 1, 1994
Polybrominated biphenyls	—	January 1, 1988
Polychlorinated biphenyls	—	October 1, 1989
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
Polychlorinated dibenzo-p-dioxins	—	October 1, 1992
Polychlorinated dibenzofurans	—	October 1, 1992
Polygeenan	53973-98-1	January 1, 1988
Ponceau MX	3761-53-3	April 1, 1988
Ponceau 3R	3564-09-8	April 1, 1988
Potassium bromate	7758-01-2	January 1, 1990
Primidone	125-33-7	August 20, 1999
Procarbazine	671-16-9	January 1, 1988
Procarbazine hydrochloride	366-70-1	January 1, 1988
Procymidone	32809-16-8	October 1, 1994
Progesterone	57-83-0	January 1, 1988

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Pronamide	23950-58-5	May 1, 1996
Propachlor	1918-16-7	February 27, 2001
1,3-Propane sultone	1120-71-4	January 1, 1988
Propargite	2312-35-8	October 1, 1994
beta-Propiolactone	57-57-8	January 1, 1988
Propoxur	114-26-1	August 11, 2006
Propylene glycol mono- <i>t</i> -butyl ether	57018-52-7	June 11, 2004
Propylene oxide	75-56-9	October 1, 1988
Propylthiouracil	51-52-5	January 1, 1988
Pyridine	110-86-1	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50-55-5	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Riddelliine	23246-96-0	December 3, 2004
Saccharin Delisted April 6, 2001	81-07-2	October 1, 1989
Saccharin, sodium Delisted January 17, 2003	128-44-9	January 1, 1988
Safrole	94-59-7	January 1, 1988
Selenium sulfide	7446-34-6	October 1, 1989
Shale-oils	68308-34-9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spironolactone	52-01-7	May 1, 1997
Stanozolol	10418-03-8	May 1, 1997
Sterigmatocystin	10048-13-2	April 1, 1988
Streptozotocin (streptozocin)	18883-66-4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene oxide	96-09-3	October 1, 1988
Sulfallate	95-06-7	January 1, 1988
Sulfasalazine (Salicylazosulfapyridine)	599-79-1	May 15, 1998
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540-29-1	September 1, 1996
Terrazole	2593-15-9	October 1, 1994
Testosterone and its esters	58-22-0	April 1, 1988
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746-01-6	January 1, 1988
1,1,2,2-Tetrachloroethane	79-34-5	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127-18-4	April 1, 1988
p-a,a,a-Tetrachlorotoluene	5216-25-1	January 1, 1990
Tetrafluoroethylene	116-14-3	May 1, 1997
Tetranitromethane	509-14-8	July 1, 1990
Thioacetamide	62-55-5	January 1, 1988
4,4'-Thiodianiline	139-65-1	April 1, 1988
Thiodicarb	59669-26-0	August 20, 1999
Thiouracil	141-90-2	June 11, 2004
Thiourea	62-56-6	January 1, 1988
Thorium dioxide	1314-20-1	February 27, 1987
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471-62-5	October 1, 1989
ortho-Toluidine	95-53-4	January 1, 1988

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
ortho-Toluidine hydrochloride	636-21-5	January 1, 1988
para-Toluidine <u>Delisted October 29, 1999</u>	106-49-0	January 1, 1990
Toxaphene (Polychlorinated camphenes)	8001-35-2	January 1, 1988
Treosulfan	299-75-2	February 27, 1987
Trichlormethine (Trimustine hydrochloride)	817-09-4	January 1, 1992
Trichloroethylene	79-01-6	April 1, 1988
2,4,6-Trichlorophenol	88-06-2	January 1, 1988
1,2,3-Trichloropropane	96-18-4	October 1, 1992
Trimethyl phosphate	512-56-1	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
Triphenyltin hydroxide	76-87-9	July 1, 1992
Tris(aziridiny)l—para—benzoquinone (Triaziquone) <u>Delisted December 8, 2006</u>	68-76-8	October 1, 1989
Tris(1-aziridiny)lphosphine sulfide (Thiotepa)	52-24-4	January 1, 1988
Tris(2-chloroethyl) phosphate	115-96-8	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126-72-7	January 1, 1988
Trp-P-1 (Tryptophan-P-1)	62450-06-0	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	72-57-1	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66-75-1	April 1, 1988
Urethane (Ethyl carbamate)	51-79-6	January 1, 1988
Vanadium pentoxide (orthorhombic crystalline form)	1314-62-1	February 11, 2005
Vinclozolin	50471-44-8	August 20, 1999
Vinyl bromide	593-60-2	October 1, 1988
Vinyl chloride	75-01-4	February 27, 1987
4-Vinylcyclohexene	100-40-3	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106-87-6	July 1, 1990
Vinyl fluoride	75-02-5	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79-00-5	October 1, 1990
2,6-Xylidine (2,6-Dimethylaniline)	87-62-7	January 1, 1991
Zileuton	111406-87-2	December 22, 2000
Zineb <u>Delisted October 29, 1999</u>	12122-67-7	January 1, 1990

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CASNo.</u>	<u>Date Listed</u>
Acetazolamide	developmental	59-66-5	August 20, 1999
Acetohydroxamic acid	developmental	546-88-3	April 1, 1990
Actinomycin D	developmental	50-76-0	October 1, 1992
All-trans retinoic acid	developmental	302-79-4	January 1, 1989
Alprazolam	developmental	28981-97-7	July 1, 1990
Altretamine	developmental, male	645-05-6	August 20, 1999
Amantadine hydrochloride	developmental	665-66-7	February 27, 2001
Amikacin sulfate	developmental	39831-55-5	July 1, 1990
Aminoglutethimide	developmental	125-84-8	July 1, 1990
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54-62-6	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774-82-4	August 26, 1997
Amitraz	developmental	33089-61-1	March 30, 1999

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Amoxapine	developmental	14028-44-5	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117-37-3	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50-78-2	July 1, 1990
Atenolol	developmental	29122-68-7	August 26, 1997
Auranofin	developmental	34031-32-8	January 29, 1999
Azathioprine	developmental	446-86-6	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534-09-8	May 15, 1998
Benomyl	developmental, male	17804-35-2	July 1, 1991
Benzene	developmental, male	71-43-2	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411-22-3	April 1, 1990
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154-93-8	July 1, 1990
Bromacil lithium salt	developmental male	53404-19-6	May 18, 1999 January 17, 2003
1-Bromopropane	developmental, female, male	106-94-5	December 7, 2004
2-Bromopropane	female, male	75-26-3	May 31, 2005
Bromoxynil	developmental	1689-84-5	October 1, 1990
Bromoxynil octanoate	developmental	1689-99-2	May 18, 1999
Butabarbital sodium	developmental	143-81-7	October 1, 1992
1,3-Butadiene	developmental, female, male	106-99-0	April 16, 2004
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55-98-1	January 1, 1989
Butyl benzyl phthalate (BBP)	developmental	85-68-7	December 2, 2005
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298-46-4	January 29, 1999
Carbon disulfide	developmental, female, male	75-15-0	July 1, 1989
Carbon monoxide	developmental	630-08-0	July 1, 1989
Carboplatin	developmental	41575-94-4	July 1, 1990
Chenodiol	developmental	474-25-9	April 1, 1990
Chlorambucil	developmental	305-03-3	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620-21-9	July 1, 1987
Chlordecone (Kepone)	developmental	143-50-0	January 1, 1989
Chlordiazepoxide	developmental	58-25-3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438-41-5	January 1, 1992
1-(2-Chloroethyl)-3-cyclohexyl-1- nitrosourea (CCNU) (Lomustine)	developmental	13010-47-4	July 1, 1990
Chlorsulfuron	developmental, female, male	64902-72-3	May 14, 1999
Cidofovir	developmental, female, male	113852-37-2	January 29, 1999
Cladribine	developmental	4291-63-8	September 1, 1996

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Clarithromycin	developmental	81103-11-9	May 1, 1997
Clobetasol propionate	developmental, female	25122-46-7	May 15, 1998
Clomiphene citrate	developmental	50-41-9	April 1, 1990
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
Cocaine	developmental, female	50-36-2	July 1, 1989
Codeine phosphate	developmental	52-28-8	May 15, 1998
Colchicine	developmental, male	64-86-8	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990
Cyanazine	developmental	21725-46-2	April 1, 1990
Cycloate	developmental	1134-23-2	March 19, 1999
Cyclohexanol	male	108-93-0	November 6, 1998
<u>Delisted January 25, 2002</u>			
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50-18-0	January 1, 1989
Cyclophosphamide (hydrated)	developmental, female, male	6055-19-2	January 1, 1989
Cyhexatin	developmental	13121-70-5	January 1, 1989
Cytarabine	developmental	147-94-4	January 1, 1989
Dacarbazine	developmental	4342-03-4	January 29, 1989
Danazol	developmental	17230-88-5	April 1, 1990
Daunorubicin hydrochloride	developmental	23541-50-6	July 1, 1990
2,4-D butyric acid	developmental, male	94-82-6	June 18, 1999
o,p' -DDT	developmental, female, male	789-02-6	May 15, 1998
p,p' -DDT	developmental, female, male	50-29-3	May 15, 1998
2,4 DP (dichloroprop)	developmental	120-36-5	April 27, 1999
<u>Delisted January 25, 2002</u>			
Demeclocycline hydrochloride (internal use)	developmental	64-73-3	January 1, 1992
Diazepam	developmental	439-14-5	January 1, 1992
Diazoxide	developmental	364-98-7	February 27, 2001
1,2-Dibromo-3-chloropropane (DBCP)	male	96-12-8	February 27, 1987
Di-n-butyl phthalate (DBP)	developmental, female, male	84-74-2	December 2, 2005
Dichlorophene	developmental	97-23-4	April 27, 1999
Dichlorophenamide	developmental	120-97-8	February 27, 2001
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987
Diflunisal	developmental, female	22494-42-4	January 29, 1999
Di-n-hexyl phthalate (DnHP)	female, male	84-75-3	December 2, 2005
Dihydroergotamine mesylate	developmental	6190-39-2	May 1, 1997
Di-isodecyl phthalate (DIDP)	developmental	68515-49-1/ 26761-40-0	April 20, 2007
Diltiazem hydrochloride	developmental	33286-22-5	February 27, 2001
m-Dinitrobenzene	male	99-65-0	July 1, 1990
o-Dinitrobenzene	male	528-29-0	July 1, 1990
p-Dinitrobenzene	male	100-25-4	July 1, 1990
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Diphenylhydantoin (Phenytoin)	developmental	57-41-0	July 1, 1987
Disodium cyanodithioimidocarbonate	developmental	138-93-2	March 30, 1999
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316-40-9	January 29, 1999
Doxycycline (internal use)	developmental	564-25-0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088-85-4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390-14-5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086-28-1	October 1, 1991
Endrin	developmental	72-20-8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	—	June 9, 2006
Epichlorohydrin	male	106-89-8	September 1, 1996
Ergotamine tartrate	developmental	379-79-3	April 1, 1990
Estropipate	developmental	7280-37-7	August 26, 1997
Ethionamide	developmental	536-33-4	August 26, 1997
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Ethyl dipropylthiocarbamate	developmental	759-94-4	April 27, 1999
Ethylene dibromide	developmental, male	106-93-4	May 15, 1998
Ethylene glycol monoethyl ether	developmental, male	110-80-5	January 1, 1989
Ethylene glycol monomethyl ether	developmental, male	109-86-4	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111-15-9	January 1, 1993
Ethylene glycol monomethyl ether acetate	developmental, male	110-49-6	January 1, 1993
Ethylene oxide	female	75-21-8	February 27, 1987
Ethylene thiourea	developmental	96-45-7	January 1, 1993
Etodolac	developmental, female	41340-25-4	August 20, 1999
Etoposide	developmental	33419-42-0	July 1, 1990
Etretinate	developmental	54350-48-0	July 1, 1987
Fenoxaprop ethyl	developmental	66441-23-4	March 26, 1999
Filgrastim	developmental	121181-53-1	February 27, 2001
Fluazifop butyl	developmental	69806-50-4	November 6, 1998
Flunisolide	developmental, female	3385-03-3	May 15, 1998
Fluorouraci	developmental	51-21-8	January 1, 1989
Fluoxymesterone	developmental	76-43-7	April 1, 1998
Flurazepam hydrochloride	developmental	1172-18-5	October 1, 1992
Flurbiprofen	developmental, female	5104-49-4	August 20, 1999
Flutamide	developmental	13311-84-7	July 1, 1990
Fluticasone propionate	developmental	80474-14-2	May 15, 1998
Fluvalinate	developmental	69409-94-5	November 6, 1998
Ganciclovir sodium	developmental, male	82410-32-0	August 26, 1997
Gemfibrozil	female, male	25812-30-0	August 20, 1999
Goserelin acetate	developmental, female, male	65807-02-5	August 26, 1997
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999
Haloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
Heptachlor	developmental	76-44-8	August 20, 1999
Hexachlorobenzene	developmental	118-74-1	January 1, 1989
Hexamethylphosphoramide	male	680-31-9	October 1, 1994
Histrelin acetate	developmental	—	May 15, 1998
Hydramethylnon	developmental, male	67485-29-4	March 5, 1999
Hydroxyurea	developmental	127-07-1	May 1, 1997

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Idarubicin hydrochloride	developmental, male	57852-57-0	August 20, 1999
Ifosfamide	developmental	3778-73-2	July 1, 1990
Iodine-131	developmental	10043-66-0	January 1, 1989
Isotretinoin	developmental	4759-48-2	July 1, 1987
Lead	developmental, female, male	—	February 27, 1987
Leuprolide acetate	developmental, female, male	74381-53-6	August 26, 1997
Levodopa	developmental	59-92-7	January 29, 1999
Levonorgestrel implants	female	797-63-7	May 15, 1998
Linuron	developmental	330-55-2	March 19, 1999
Lithium carbonate	developmental	554-13-2	January 1, 1991
Lithium citrate	developmental	919-16-4	January 1, 1991
Lorazepam	developmental	846-49-1	July 1, 1990
Lovastatin	developmental	75330-75-5	October 1, 1992
Mebendazole	developmental	31431-39-7	August 20, 1999
Medroxyprogesterone acetate	developmental	71-58-9	April 1, 1990
Megestrol acetate	developmental	595-33-5	January 1, 1991
Melphalan	developmental	148-82-3	July 1, 1990
Menotropins	developmental	9002-68-0	April 1, 1990
Meproamate	developmental	57-53-4	January 1, 1992
Mercaptopurine	developmental	6112-76-1	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990
Methacycline hydrochloride	developmental	3963-95-9	January 1, 1991
Metham sodium	developmental	137-42-8	May 15, 1998
Methazole	developmental	20354-26-1	December 1, 1999
Methimazole	developmental	60-56-0	July 1, 1990
Methotrexate	developmental	59-05-2	January 1, 1989
Methotrexate sodium	developmental	15475-56-6	April 1, 1990
Methyl bromide as a structural fumigant	developmental	74-83-9	January 1, 1993
Methyl chloride	developmental	74-87-3	March 10, 2000
Methyl mercury	developmental	—	July 1, 1987
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
Methyltestosterone	developmental	58-18-4	April 1, 1990
Metiram	developmental	9006-42-2	March 30, 1999
Midazolam hydrochloride	developmental	59467-96-8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614-98-7	January 1, 1992
Misoprostol	developmental	59122-46-2	April 1, 1990
Mitoxantrone hydrochloride	developmental	70476-82-3	July 1, 1990
Myclobutanil	developmental, male	88671-89-0	April 16, 1999
Nabam	developmental	142-59-6	March 30, 1999
Nafarelin acetate	developmental	86220-42-0	April 1, 1990
Neomycin sulfate (internal use)	developmental	1405-10-3	October 1, 1992
Netilmicin sulfate	developmental	56391-57-2	July 1, 1990
Nickel carbonyl	developmental	13463-39-3	September 1, 1996
Nicotine	developmental	54-11-5	April 1, 1990
Nifedipine	developmental, female, male	21829-25-4	January 29, 1999
Nimodipine	developmental	66085-59-4	April 24, 2001
Nitrapyrin	developmental	1929-82-4	March 30, 1999
Nitrofurantoin	male	67-20-9	April 1, 1991
Nitrogen mustard (Mechlorethamine)	developmental	51-75-2	January 1, 1989

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55-86-7	July 1, 1990
Norethisterone (Norethindrone)	developmental	68-22-4	April 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51-98-9	October 1, 1991
Norethisterone (Norethindrone) /Ethinyl estradiol	developmental	68-22-4/ 57-63-6	April 1, 1990
Norethisterone (Norethindrone)/Mestranol	developmental	68-22-4/ 72-33-3	April 1, 1990
Norgestrel	developmental	6533-00-2	April 1, 1990
Oxadiazon	developmental	19666-30-9	May 15, 1998
Oxazepam	developmental	604-75-1	October 1, 1992
Oxydemeton methyl	female, male	301-12-2	November 6, 1998
Oxymetholone	developmental	434-07-1	May 1, 1997
Oxytetracycline (internal use)	developmental	79-57-2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058-46-0	October 1, 1991
Oxythioquinox (Chinomethionat)	developmental	2439-01-2	November 6, 1998
Paclitaxel	developmental, female, male	33069-62-4	August 26, 1997
Paramethadione	developmental	115-67-3	July 1, 1990
Penicillamine	developmental	52-67-5	January 1, 1991
Pentobarbital sodium	developmental	57-33-0	July 1, 1990
Pentostatin	developmental	53910-25-1	September 1, 1996
Phenacemide	developmental	63-98-9	July 1, 1990
Phenprocoumon	developmental	435-97-2	October 1, 1992
Pimozide	developmental, female	2062-78-4	August 20, 1999
Pipobroman	developmental	54-91-1	July 1, 1990
Plicamycin	developmental	18378-89-7	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128-03-0	March 30 1999
Pravastatin sodium	developmental	81131-70-6	March 3, 2000
Prednisolone sodium phosphate	developmental	125-02-0	August 20, 1999
Procarbazine hydrochloride	developmental	366-70-1	July 1, 1990
Propargite	developmental	2312-35-8	June 15, 1999
Propylthiouracil	developmental	51-52-5	July 1, 1990
Pyrimethamine	developmental	58-14-0	January 29, 1999
Quazepam	developmental	36735-22-5	August 26, 1997
Quizalofop-ethyl	male	76578-14-8	December 24, 1999
Resmethrin	developmental	10453-86-8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental	36791-04-5	April 1, 1990
	male	36791-04-5	February 27, 2001
Rifampin	developmental, female	13292-46-1	February 27, 2001

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Secobarbital sodium	developmental	309-43-3	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128-04-1	March 30 1999
Sodium fluoroacetate	male	62-74-8	November 6, 1998
Streptomycin sulfate	developmental	3810-74-0	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883-66-4	August 20, 1999
Sulfasalazine (Salicylazosulfapyridine)	male	599-79-1	January 29, 1999
Sulindac	developmental, female	38194-50-2	January 29, 1999
Tamoxifen citrate	developmental	54965-24-1	July 1, 1990
Temazepam	developmental	846-50-4	April 1, 1990
Teniposide	developmental	29767-20-2	September 1, 1996
Terbacil	developmental	5902-51-2	May 18, 1999
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64-75-5	January 1, 1991
Thalidomide	developmental	50-35-1	July 1, 1987
Thioguanine	developmental	154-42-7	July 1, 1990
Thiophanate methyl	female, male	23564-05-8	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990
Toluene	developmental	108-88-3	January 1, 1991
Triadimefon	developmental, female, male	43121-43-3	March 30, 1999
Triazolam	developmental	28911-01-5	April 1, 1990
Tributyltin methacrylate	developmental	2155-70-6	December 1, 1999
Trientine hydrochloride	developmental	38260-01-4	February 27, 2001
Triforine	developmental	26644-46-2	June 18, 1999
Trilostane	developmental	13647-35-3	April 1, 1990
Trimethadione	developmental	127-48-0	January 1, 1991
Trimetrexate glucuronate	developmental	82952-64-5	August 26, 1997
Triphenyltin hydroxide	developmental	76-87-9	March 18, 2002
Uracil mustard	developmental, female, male	66-75-1	January 1, 199
Urethane	developmental	51-79-6	October 1, 1994
Urofollitropin	developmental	97048-13-0	April 1, 1990
Valproate (Valproic acid)	developmental	99-66-1	July 1, 1987
Vinblastine sulfate	developmental	143-67-9	July 1, 1990
Vinclozolin	developmental	50471-44-8	May 15, 1998
Vincristine sulfate	developmental	2068-78-2	July 1, 1990
Warfarin	developmental	81-81-2	July 1, 1987
Zileuton	developmental, female	111406-87-2	December 22, 2000

Date: June 1, 2007

RULEMAKING PETITION DECISIONS

DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

**California Code of Regulations
Title 15, Crime Prevention and Corrections
Division 3, Department of Corrections and
Rehabilitation**

PETITIONER

Alvin R. Ross.

AUTHORITY

Penal Code Section 5054 provides that the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR. Under authority established in PC Section 5058, the Director may prescribe and amend regulations for the administration of prisons.

CONTACT PERSON

Please direct any inquiries regarding this action to Timothy M. Lockwood, Chief, Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001.

AVAILABILITY OF PETITION

The petition to amend regulations is available upon request directed to the Department's contact person.

SUMMARY OF PETITION

Petitioner requests the Department of Corrections and Rehabilitation to amend regulations in the California Code of Regulations (CCR), Title 15, Division 3,

Sections 3030(b), requesting that State issue one sanitized pillow and one sanitized mattress to each inmate.

DEPARTMENT DECISION

The Secretary of the Department of Corrections and Rehabilitation denies the petition to amend regulations in Title 15, Division 3, Sections 3030(b).

The Petitioner requests that the Department amend regulations relative to state issued linens. Petitioner contends that during facility searches employed staff would destroy a mattress and remnants of a pillow only to return a less than adequate and unsanitary mattress to sleep on and no pillows. The petitioner requests that one sanitized pillow and one sanitized mattress be added to the list of State-issued inmate clothing and linen.

The Department contends that State-issued clothing and linens have been properly cleaned prior to being issued to the individual inmate as part of their cell furnishings. If an inmate believes that bedding items issued by the State are contaminated, they are directed to notify housing unit staff. Staff will inspect the bedding material and replace if necessary upon the direction of the institution head. Departmental regulations in Section 3030(a) allow items issued to an inmate to be exchanged as directed by the institution head. As the Petitioner notes, the Department also provides for the decontamination or disposal of contaminated mattresses and pillows if necessary.

Additionally in Section 3004(a), inmates have the right to be treated respectfully, impartially, and fairly by all employees. Pursuant to CCR, Section 3084.1, any inmate may appeal any departmental action or condition which they can demonstrate as having an adverse effect upon their welfare, or pursue a remedy, including this denial to amend regulations, through the Inmate Appeal process.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

**California Code of Regulations
Title 15, Crime Prevention and Corrections
Division 3, Department of Corrections and
Rehabilitation**

PETITIONER

Lee Peyton, V-14724.

AUTHORITY

The authority granted by Government Code (GC) Section 12838.5 vests to the California Department of Corrections and Rehabilitation (CDCR) all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the abolished Youth and Adult Correctional Agency, California Department of Corrections (CDC), Department of the Youth Authority, Commission on Correctional Peace Officer Standards and Training, Board of Corrections, and the State Commission on Juvenile Justice, Crime and Delinquency Prevention. Penal Code (PC) Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections refers to the Secretary of the CDCR. PC Section 5054 vests with the Secretary of the CDCR the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein. PC Section 5055 provides that commencing July 1, 2005, all powers/duties previously granted to and imposed upon the CDC shall be exercised by the Secretary of the CDCR. PC Section 5058 provides that the Director may prescribe and amend regulations for the administration of prisons.

CONTACT PERSON

Please direct any inquiries regarding this action to Timothy M. Lockwood, Chief, Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001.

AVAILABILITY OF PETITION

The petition to amend regulations is available upon request directed to the Department's contact person.

SUMMARY OF PETITION

Petitioner requests the CDCR require that the Operational Procedures (OP) of High Desert State Prison (HDSP) comport with the California Code of Regulations (CCR), Title 15, regarding living conditions in the Administrative Segregation Unit (ASU).

DEPARTMENT DECISION

The Secretary of the Department of Corrections and Rehabilitation denies the petition in its entirety.

Petitioner lists a total of eight different living conditions while housed in the ASU that he contends are in violation of the Department's CCR's, or are unconstitu-

tional. A description of each of the living conditions in contention, and the Department's response, are contained herewith.

Petitioner states that HDSP's OP 101 allows inmates only one cubic foot of legal material in their ASU cell, which obstructs inmate's access to the courts and is contradictory to the Department's Operational Manual section 54030 detailing inmate access to the courts. The Department contends that an OP merely provides an explanation of an existing departmental policy and/or regulation as they apply to a specific institution. Local rules are permitted provided they fall under the authority of established regulations. Your petition alleges you are allowed only one cubic foot of active legal material in your cell. CCR, Title 15 section 3161, Inmate-Owned Legal Materials, states that inmates may possess up to six cubic feet of personal property, which may also include legal/active legal material, in their assigned living area, and may possess an additional one cubic foot of legal material that pertains to active court cases. HDSP was contacted regarding this matter and confirmed that an inmate may possess any combination of personal and legal/active legal material, not to exceed a total of seven cubic feet. Any additional legal material is stored in a prescribed area, and the inmate provided access upon request.

Petitioner states that HDSP inmates housed in an ASU detention unit are denied by HDSP's OP's the requisite three shaves a week, pursuant to CCR, Title 15 sections 3331(g) and 3343(g). The Department contends that pursuant to CCR, Title 15 sections 3331(a) and 3343(a), the physical facilities of designated disciplinary detention units will approximate those units housing general population inmates, insofar as the safety and security of institutions and persons will permit. The purpose of an operational procedure is to delineate a regulation as it may be applied to the physical plant of a specific institution, with the overarching umbrella of operating with the safety and security of the institution and the persons therein the utmost priority. Additionally, CCR, Title 15 sections 3331(g) and 3343(g) state that three showers and shaves are permitted; the regulations do not require that each are mandatory.

Petitioner states that ASU inmates are being denied the requisite ten hours of outside exercise a week pursuant to CCR, Title 15 section 3343(h). The Department contends that CCR, Title 15 section 3343(h) only permits outside exercise unless safety and security considerations preclude such activities. Use of the inmate appeal system is the best means to challenge the institution's compliance with Department regulations, not a formal petition which is intended to suggest change to a specific regulation.

Petitioner states that library and education services are permitted to inmates housed in the ASU pursuant to

CCR, Title 15 section 3343(k), yet no such services exist. The Department contends that library and education services are made available at such time that resources to provide such services in fact exist. Every effort is made to provide these types of services first to general population programming inmates, and then to inmates housed in detention units as such resources are available. An inmate appeal would be more appropriate to challenge an institution's compliance with a regulation, not a formal petition.

Petitioner states that CCR, Title 15 section 3343(e) does not restrict inmates in the sending and receiving of personal mail, yet HDSP limits ASU inmates to only fifteen envelopes and stamps in their cell at a time. The Department contends that there is no correlation between the number of stamps and envelopes an ASU inmate may possess and the amount of mail they may send or receive. Once a non-indigent ASU inmate uses their designated postage, they may request that staff provide them with additional postage from their stored personal property. It is penologically sound to restrict the number of stamped envelopes an inmate may possess in a disciplinary detention unit to minimize the potential to use them for bartering purposes. The inmate appeal system is the best approach for challenging compliance with established regulations.

Petitioner states that CCR, Title 15 section 3331(c)(1) allows inmates to request items necessary for their personal hygiene from their personal property if such items are not available for issue by the institution while housed in a disciplinary housing unit. This regulation permits an institution to make the determination of what will reasonably satisfy the requirement of what is essential to maintain hygiene. The Department contends that HDSP has determined that the items necessary to maintain personal hygiene for disciplinary detention inmates are tooth powder and bar soap. Again it is penologically sound that an inmate housed in a disciplinary detention unit recognizes the benefits of returning to a general population setting and adjust their behavior accordingly and as expeditiously as possible. An inmate appeal, not a formal petition, is the most appropriate method to challenge compliance with an established regulation.

Petitioner states that HDSP's OP 605 prohibits inmates from different institutions from corresponding with each other unless they are related, which supersedes CCR, Title 15 section 3139 pertaining to correspondence between inmates. The Department contends that CCR, Title 15 section 3139(a) allows the institution to forfeit such correspondence due to certain disciplinary violations or as a result of committee action. The only requirement is that the revocation of such approval be communicated to both inmates.

Petitioner contends that HDSP will not allow correspondence between inmates housed at that institution and county jail inmates. The Department acknowledges that current regulations regarding correspondence between inmates do not provide sufficient direction on this subject. Revisions to the Inmate Mail regulations were recently submitted to the Office of Administrative Law, and are now out for public comment, that will provide more direction to all institutions on this matter.

As explained previously, OP's merely provide an explanation of an existing department policy and/or regulation. Local rules are permitted provided they fall under the authority of established regulations. Government Code 11342.6 provides a mechanism by which an individual can petition to amend, adopt, or repeal a regulation that has the force of law. The petition should be specific as to the regulation to be changed, and if being amended or adopted the specific language should be delineated. The petition submitted in this case primarily lists a number of grievances over living conditions while housed in a disciplinary detention unit. While not actually rising to the level of a formal and proper petition as per the Government Code, the Department has determined to respond as if it were a properly filed petition. The correct mechanism for an inmate to address grievances over living conditions and compliance with established regulations would be the Inmate Appeal system. If assistance is required in filing an appeal with respect to your grievances, your assigned correctional counselor should be contacted.

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Board of Administration California Public Employees' Retirement System

Request for Reconsideration of February 21, 2007 Decision on Petition for Adoption of Regulations California Government Code section 11340.7

INTRODUCTION

On January 21, 2007, Keith Paul Bishop filed a petition with the Board of Administration of the California Public Employees' Retirement System (CalPERS), pursuant to California Government Code section 11340.6 ("Petition"). The Petition requested that CalPERS amend the California Code of Regulations to adopt regulations regarding Public Records Act requests. Pursuant to Government Code section 11340.7, and for the reasons set forth in its decision made on Feb-

ruary 21, 2007, CalPERS denied the Petition. After receiving a request for reconsideration (“Reconsideration”) of the decision on the Petition, CalPERS denies the Reconsideration for the reasons stated below.

DECISION

CalPERS incorporates by reference the February 21, 2007 decision. See Attachment 1. CalPERS’ response to arguments raised in the Reconsideration are set forth below.

- First, Gina M. Ratto, Deputy General Counsel, has been delegated the authority to respond to your Petition and this Reconsideration.
- Second, we understand that some state agencies have adopted regulations regarding the Public Records Act. CalPERS, however, believes that the Public Records Act is clear and understandable and that regulations interpreting the Public Records Act are unnecessary. Many other state agencies, including the California Attorney General, have not found it necessary to adopt regulations interpreting the Public Records Act, choosing, as has CalPERS, to adopt guidelines.
- Third, CalPERS’ guidelines regarding Public Records Act requests are readily available at the CalPERS headquarters. CalPERS is planning to post the guidelines on the CalPERS website in the near future. CalPERS’ website provides a plethora of information regarding CalPERS and CalPERS’ website offers interested parties the ability to request additional information.
- Fourth, as explained and for all the reasons set forth in the February 21, 2007 decision, CalPERS does not agree that the guidelines are inconsistent with the Public Records Act.
- Finally, while CalPERS does look toward its corporate governance policies for guidance in other policy areas, those corporate governance policies do not lead CalPERS to alter its original decision regarding the Petition.

For all the reasons stated above and incorporated by reference the Reconsideration is denied.

CONTACT PERSON

Interested parties may obtain a copy of the Petition or Reconsideration by contacting CalPERS.

CalPERS Contact: Gina M. Ratto, Deputy General Counsel
CalPERS
Lincoln Plaza North
400 Q Street, Suite 3340
Sacramento, California 95814

Dated: April 20, 2007

GINA M. RATTO
Deputy General Counsel

Attachment 1 Board of Administration California Public Employees’ Retirement System

Decision on Petition for Adoption of Regulation California Government Code section 11340.7

INTRODUCTION

On January 21, 2007, Mr. Keith Paul Bishop filed a petition with the Board of Administration, California Public Employees’ Retirement System (CalPERS), pursuant to California Government Code section 11340.6 (“Petition”). The Petition requested that CalPERS amend the California Code of Regulations to adopt regulations regarding Public Records Act requests. Pursuant to Government Code section 11340.7, and for the reasons set forth below, CalPERS hereby denies the Petition.

DECISION

Government Code section 6253.4 sets forth a list of the state and local agencies that are required to establish written guidelines regarding the accessibility of records pursuant to the Public Records Act and requires that the guidelines be posted and made available upon request. CalPERS is one of the agencies listed and CalPERS has complied with this requirement by establishing and posting guidelines. A copy of CalPERS’ guidelines is attached. Government Code section 6253.4 also provides that “Every agency *may* adopt regulations stating the procedures to be followed when making its records available in accordance with this section.” (Emphasis added.)

CalPERS believes the legislature did not intend that all guidelines adopted pursuant to Government Code section 6253.4 had to be adopted as regulations since the requirement to establish “guidelines” is mandatory as to certain agencies and the authorization to adopt regulations is clearly optional as to all agencies. CalPERS has met the requirements of Government Code section 6253.4 by adopting, consistent with the flexibility given to it by the Legislature, simple guidelines intended to (1) give notice that Public Records Acts requests may be made of CalPERS and (2) provide some practical guidance on how to make such a request.

CalPERS acknowledges that Government Code section 11342.600 defines “regulation” as “every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.” It is not CalPERS’ intent to “implement, interpret, or make specific” the Public Records Act or any other state law or procedure. To the extent CalPERS’ guidelines vary in any way from the Public Records Act, CalPERS acknowledges that the guidelines are without legal effect. The guidelines do not meet the definition of “regulation” found at Government Code section 11342.600 and CalPERS hereby denies the Petition.

CONTACT PERSON

Interested parties may obtain a copy of the Petition by contacting CalPERS.

CalPERS Contact: Gina M. Ratto, Deputy General Counsel
CalPERS
Lincoln Plaza North
400 Q Street, Suite 3340
Sacramento, California 95814

Dated: February 21, 2007

GINA M. RATTO
Deputy General Counsel

THE CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM

GUIDELINES FOR ACCESS TO PUBLIC RECORDS

Public records maintained by CalPERS are available for public inspection according to the following procedures:

1. Records are available for inspection during regular business hours, Monday through Friday, 8:00 a.m. — 5:00 p.m.
2. Requests for inspection or copying of public records:

- a. Should be specific, focused and not interfere with the ordinary business operations of CalPERS. Where a request is not specific and focused, CalPERS staff will assist the requestor to identify the requested information, describe the technology or physical location of the record, and provide suggestions on how to overcome practical barriers to disclosure. The operational functions of CalPERS will not be suspended to permit inspection of records during periods in which such records are reasonably required by CalPERS personnel in the performance of their duties. If the request requires review of numerous records, a mutually agreeable time should be established for the inspection of the records.
 - b. Should sufficiently describe the records so that they can be identified, located and retrieved by CalPERS personnel.
 - c. Can be made orally or in writing, but CalPERS encourages written requests unless the request seeks records that are maintained by CalPERS for immediate public inspection.
3. CalPERS may refuse to disclose any records which are exempt from disclosure under the Public Records Act. (See e.g. Gov. Code sec 6254 *et seq.*)
 4. Inspection of records will be allowed upon conditions determined by CalPERS. Upon either the completion of the inspection or the oral request of CalPERS personnel, the person conducting the inspection shall relinquish physical possession of the records. Persons inspecting CalPERS records shall not destroy, mutilate, deface, alter, or remove any such records from CalPERS. CalPERS reserves the right to have CalPERS personnel present during the inspection of records in order to prevent the loss or destruction of records.
 5. Copies of records that are not exempt from disclosure are available upon pre-payment of the copying costs. (.10 cents per page.)
 6. These guidelines shall be posted in a conspicuous public place in CalPERS, and a free copy shall be provided upon request.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

AIR RESOURCES BOARD

Chip Reflash

This action results from a Judgment and Writ invalidating most of a previous regulatory action that included a new section 2011 and related amendments to other sections in Title 13. The Writ was issued on December 7, 2006 by Sacramento Superior Court. On March 15, 2007, the Court accepted a stipulation by the parties that clarified and narrowed the scope of related amendments to include only those specifically related to reflash. Exhibit C to the Stipulation and Order issued by the court is the Final Regulation Order and shows the specific changes required by the court.

Title 13
California Code of Regulations
AMEND: 2180.1, 2181, 2184, 2185, 2186, 2192, 2194 REPEAL: 2011
Filed 05/23/07
Agency Contact: Alexa Malik (916) 322-4011

BOARD OF EQUALIZATION

Place of Sale & Use for Purposes of Bradley — Burns

This change without regulatory effect conforms existing provisions regarding place of sale of jet fuel for purposes of the Bradley — Burns Uniform Local Sales and Use Tax Law to the mandate contained in AB 451 (Chap. 391, Stats. 2005).

Title 18
California Code of Regulations
AMEND: 1802
Filed 05/17/07
Effective 05/17/07
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF PHARMACY

Abandonment of Application Files

Board of Pharmacy proposed amendment to Title 16, California Code of Regulations, section 1706.2 to add four license categories for which applications for licensure may be deemed abandoned. Generally, the application categories in this section are deemed abandoned if an applicant fails to complete all application requirements within 60 days of being notified by the Board of Pharmacy of application deficiencies. The four additional license categories are added for consistency with existing application categories in this section. New subdivision (e) extends to one year the period for resolving application deficiencies for intern pharmacist applicants only. All applicants whose applications are deemed abandoned are required to re-apply and meet all requirements in effect at the time of re-application.

Title 16
California Code of Regulations
AMEND: 1706.2
Filed 05/23/07
Effective 06/22/07
Agency Contact:
Virginia Herold (916) 445-5014 x4005

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Income Limits

This regulatory action was transmitted to OAL pursuant to Health & Safety Code section 50093 for filing with the Secretary of State and publication in the California Code of Regulations. It is the annual update of income limits for households of varying sizes. These income limits are required to be published pursuant to Health & Safety Code sections 50079.5, 50093, 50105 and 50106.

Title 25
California Code of Regulations
AMEND: 6932
Filed 05/23/07
Effective 04/18/07
Agency Contact: Lenora Frazier (916) 323-4475

DEPARTMENT OF WATER RESOURCES

YFFPP Feasibility, Design, and Implementation Funding

This certificate of compliance makes permanent the adoption and amendment of emergency regulations (OAL file no. 06-1229-01E) for the Yuba Feather Flood Protection Program concerning the Safe Drinking Water, Clean Water, Watershed Protection, and Flood Protection Act of 2000, expanding the activities that may be funded through grants by adding plan im-

plementation to the currently authorized activities of conducting a feasibility study and preparing designs.

Title 23

California Code of Regulations

ADOPT: 499.4.1.1, 499.4.1.2, 499.4.2, 499.6.3

AMEND: 499.1, 499.2, 499.3, 499.4, 499.4.1, 499.5, 499.6, 499.6.1, 499.7, 499.8 REPEAL: 499.6.2

Filed 05/21/07

Effective 05/21/07

Agency Contact:

Katherine A. Spanos (916) 653-6295

DIVISION OF WORKERS COMPENSATION**Workers' Compensation—Forms**

These changes without regulatory effect update the mailing address of the Division of Workers Compensation on the application forms used for approval of a Medical Provider Network; Plan Modification; Independent Medical Review; and for objecting to a recommendation for spinal surgery, noting the Division's move from San Francisco to Oakland.

Title 8

California Code of Regulations

AMEND: 9767.4, 9767.8, 9768.10, 9788.11

Filed 05/23/07

Effective 05/23/07

Agency Contact: Carol N. Finuliar (415) 286-0660

DIVISION OF WORKERS COMPENSATION**Workers' Compensation—Forms**

This nonsubstantive change corrects the address on forms contained in 8 Cal. Code of Regs. sections 9768.5 and 9788.31 used by the Division of Workers' Compensation.

Title 8

California Code of Regulations

AMEND: 9768.5, 9788.31

Filed 05/21/07

Effective 05/21/07

Agency Contact: Carol N. Finuliar (415) 286-0660

EDUCATION AUDIT APPEALS PANEL**Audits of K-12 LEAs—FY 2007-08**

These emergency regulations are part of the Audit Guidelines for audits required by Education Code sections 14503 and 14502.1 to be used in the performance of audits of K-12 LEAs (Local Education Agencies) in the fiscal year 2007-08. The audit guide provides guidance, through definitions, terms and procedures to the auditors conducting the annual financial and compliance audits required by Education Code section

41020. The proposed changes were submitted to EAAP via the Controller as required.

Title 5

California Code of Regulations

ADOPT: 19828.2, 19829.5, 19830.1, 19837.1, 19838, 19846 AMEND: 19816, 19816.1, 19828.1, 19830, 19837, 19854

Filed 05/18/07

Effective 05/18/07

Agency Contact: Carolyn Pirillo (916) 445-7745

EMPLOYMENT TRAINING PANEL**Conflict of Interest Code**

This is a Conflict of Interest Code filing that was approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 2

California Code of Regulations

AMEND: 52900

Filed 05/17/07

Effective 06/16/07

Agency Contact: Spencer Kenner (916) 327-5578

FAIR POLITICAL PRACTICES COMMISSION**Changes to Title 2, Division 6 of CCR**

The Fair Political Practices Commission is amending section 18402 of title 2, California Code of Regulations. This section is entitled "Committee Names".

Title 2

California Code of Regulations

AMEND: 18402

Filed 05/21/07

Effective 06/20/07

Agency Contact: Andy Rockas (916) 322-5660

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**Land-Side Fire Protection, Update of NFPA Standards**

On September 15, 2004, the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), issued a Final Rule for Fire Protection in Shipyard Employment that incorporated by reference 19 National Fire Protection Association (NFPA) standards. Included in the regulations adopted was section 1915.507 of title 29 of the Code of Federal Regulations (CFR) on land-side fire protection. On February 22, 2006, the California Occupational Safety and Health Standards Board (OSHSB) added regulations substantially the same as those federal regulations, including section 8397.16 of title 8 of the California Code of Regulations (CCR) on land-side fire protection. However, eleven of those NFPA standards have been updated since the final federal rule was published. On October

17, 2006 OSHA promulgated standards that updated those national consensus standards in OSHA's Standard for Fire Protection in Shipyard Employment. This regulatory action revises section 8397.16 of title 8 on land-side fire protection systems to make the same updates to the same NFP documents incorporated by reference in 29 CFR 1915.507. Pursuant to Labor Code section 142.3(a)(3), this filing is not subject to review by the Office of Administrative Law nor any other provision contained in Articles 5 and 6 of the Administrative Procedure Act.

Title 8
California Code of Regulations
AMEND: 8397.16
Filed 05/16/07
Effective 05/16/07
Agency Contact: Marley Hart (916) 274-5721

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Cranes and Other Hoisting Equipment — Signals

OSHSB is amending existing provisions pertaining to signal persons and crane operations on construction sites. The amendment requires employers to ensure "effective communication" between crane operators and signal persons when more than one crane is in use. In addition, a provision is being added to state that when two-way radios are used, a dedicated frequency is required between the operators.

Title 8
California Code of Regulations
AMEND: 5001
Filed 05/23/07
Effective 06/22/07
Agency Contact: Marley Hart (916) 274-5721

SECRETARY OF STATE

HAVA Statewide Voter Registration Database

The Help America Vote Act of 2002 (HAVA) in 42 U.S.C. 15483 required each state with voter registration requirements for elections for federal office to implement, through the chief state elections official, a single, uniform, official, centralized interactive computerized statewide voter registration list by January 1, 2004. Pursuant to a waiver pursuant to 42 U.S.C. 15483(d)(1)(B), the statewide voter registration list requirements became effective for California on January 1, 2006. On December 12, 2005, an emergency regulatory action which adopted interim provisions implementing such a list in California beginning January 1, 2006 was approved and filed. This filing is a readoption of the emergency regulations containing changes from the latest

emergency regulatory action filed on December 13, 2006.

Title 2
California Code of Regulations
ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.71, 20108.75, 20108.80
Filed 05/23/07
Effective 05/23/07
Agency Contact: Judith Carlson (916) 651-6971

STATE ALLOCATION BOARD

Leroy F. Greene School Facilities Act of 1998; AB 127 Amendments

This action includes new and amended regulations on the subject of funding high performance schools, small high schools and charter schools intended to implement Education Code sections 17072.11, 101012, and 17078.52-17078.58. Note that the definition of "High Performance Rating Criteria" in section 1859.2, the amendment of section 1859.71, and the adoption of sections 1859.71.6 and 1859.77.4 were withdrawn from review, and were not approved by OAL.

Title 2
California Code of Regulations
ADOPT: 1859.70.4, 1859.71.6, 1859.77.4, 1859.162.1, 1859.162.2, 1859.162.3, 1859.163.4, 1859.163.5, 1859.163.6, 1859.163.7, 1859.169.1
AMEND: 1859.2, 1859.51, 1859.60, 1859.61, 1859.70.3, 1859.71, 1859.78.9, 1859.83, 1859.93.2, 1859.160, 1859.161, 1859.162, 1859.163.1, 1859.163.2, 1859.163.3, 1859.164, 1859.164.1, 1859.164.2, 1859.165, 1859.166, 1859.167, 1859.167.1, 1866.4, 1866.13 Repeal: 1859.162.1
Filed 05/17/07
Effective 05/17/07
Agency Contact: Robert Young (916) 445-0083

STATE WATER RESOURCES CONTROL BOARD

Lahontan Water Quality Control Board — Clarification of Waste Discharge Prohibitions

In this regulatory action subject to Government Code section 11353, the Lahontan Regional Water Quality Control Board adopted, and the State Water Resources Control Board approved, amendments to the Water Quality Control Plan for the Lahontan Region. The amendments clarify that certain waste discharge prohibitions do not apply to discharges of stormwater when wastes in the discharge are controlled through the application of management practices or other means and the discharge does not cause a violation of water quality objectives.

Title 23
California Code of Regulations
ADOPT: 3958
Filed 05/18/07
Agency Contact: Joanna Jensen (916) 657-1036

**STATE WATER RESOURCES CONTROL BOARD
Squaw Creek Sediment TMDL**

The Lahontan Regional Water Quality Control Board adopted, and the State Water Resources Control Board later approved, an amendment to the Water Quality Control Plan for the Lahontan Region (this is the region that covers much of the geographic territory on the eastern edge of California, including the Lake Tahoe Basin). This rulemaking is a water quality plan amendment subject to the special and limited APA provisions of Government Code section 11353. The proposed amendments establish a TMDL to control sediment in Squaw Creek.

Title 23
California Code of Regulations
ADOPT: 3959
Filed 05/18/07
Agency Contact: Joanna Jensen (916) 657-1036

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN DECEMBER 20, 2006 TO
MAY 23, 2007**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

05/23/07 ADOPT: 20108, 20108.1, 20108.12,
20108.15, 20108.18, 20108.20,
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03/19/07 REPEAL: 942, 943, 944, 945, 946, 947, 948, 949, 950.6, 950.7, 966

02/28/07 ADOPT: 1396.5

02/23/07 REPEAL: 1712.2

02/15/07 ADOPT: 1034.1 AMEND: 1021, 1028, 1034

02/14/07 ADOPT: 1399.360 AMEND: 1399.302

02/08/07 AMEND: 1397.12

02/02/07 AMEND: 3356

02/01/07 AMEND: 70

01/31/07 AMEND: 884

01/23/07 AMEND: 3305, 3306, 3307, 3308, 3309, 3310, 3315, 3316, 3320, 3321

01/11/07 ADOPT: 2475

01/10/07 AMEND: 974

12/27/06 ADOPT: 1713 AMEND: 1717

12/20/06 AMEND: 1397.61(b)

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05/04/07 ADOPT: 96100
 04/26/07 ADOPT: 93116.3.1 AMEND: 93115, 93116.2, 93116.3
 04/18/07 ADOPT: 2641.56, 2641.57 AMEND: 2641.30, 2641.45, 2641.55, 2643.5, 2643.10, 2643.15 REPEAL: 2641.75, 2641.77
 03/01/07 AMEND: 30346.3, 30350.3
 02/28/07 ADOPT: 100500
 02/16/07 AMEND: 6540
 01/09/07 AMEND: 93000
 01/08/07 ADOPT: 2641.56, 2641.57 AMEND: 2641.30, 2641.45, 2641.55, 2643.5, 2643.10, 2643.15 REPEAL: 2641.75, 2641.77

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 04/25/07 AMEND: 1620
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 03/08/07 AMEND: 1602
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03/28/07 AMEND: 906.2
 02/28/07 ADOPT: 574.4, 574.5, 574.6 AMEND: 557.1, 561.2, 565.2, 566, 568, 573, 574.1, 574.2, 574.3, 574.4, 574.5, 574.6, 575.1, 575.3, Table 4, 575.4, 578.1, 591.5, 594.3, 595.1, 596.1. 596.2 REPEAL: 574.4, 574.5, 574.6
 12/28/06 ADOPT: 574 REPEAL: 597, 597.1, 597.2, 597.3, 597.4, 597.9, 603, 603.1, 603.2, 603.4, 603.5, 604, 604.1, 604.2, 604.3, 604.4, 604.5, 605, 605.2, 606, 606.1, 606.2, 606.4, 607, 607.1, 608, 608.1, 608.2, 608.3, 608.4, 608.5, 608.6, 609, 609.1, 609.2, 609.3, 609.4, 609.5, 609.6, 609.7, 610, 612, 613, 614.2, 614.4

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03/28/07 AMEND: 1002, 1201, 1207, 1208, 1209, 1209.5, 1216, 1217, 1702, 1708, 1709.7, 1710, 1716, 1717, 1720, 1720.3, 1720.4, 1721, 1744, 1747, 2012-App B REPEAL: 1219, 1720.5, 1720.6

02/22/07 AMEND: 17.1, 17.4
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04/23/07 ADOPT: 66261.9.5, 67386.1, 67386.2, 67386.3, 67386.4
 04/20/07 ADOPT: 2708(d)-1(a), 2708(d)-1(b), 2708(d)-1(c)
 04/19/07 AMEND: 5065, 5101, 5108
 04/17/07 ADOPT: 40622, 40635.1, 40635.2, 40648, 40660, 40661, 40733, 40752 AMEND: 40603, 40635, 40743, 40747 REPEAL: 40753
 04/13/07 ADOPT: 66267.10 AMEND: 66264.1, 66265.1, 66270.1
 03/20/07 AMEND: 926-3, 926-4, 926-5
 03/20/07 ADOPT: 69106 AMEND: 69100, 69101, 69102, 69103, 69104, 69106 (renumber to 69107), 69107 (renumber to 69108)
 03/12/07 AMEND: 4400(ee) REPEAL: 4407, 4425, 4441.5
 02/28/07 AMEND: 92001, 92002, 92003, 92004, 92005, 92006, 92007, 92008, 92009, 92010, 92011, 92012, 92101, 92201, 92202, 92301, 92302, 92303, 92304, 92305, 92306, 92307, 92308, 92309, 92310, 92311, 92312, 92313, 92401, 92501, 92601, 92602, 92603, 92604, 92701, 92702
 02/23/07 AMEND: 100540
 02/22/07 AMEND: 100066, 100079
 02/22/07 ADOPT: 51003.1 AMEND: 51003, 51003.3
 01/30/07 AMEND: 12705
 01/30/07 AMEND: 2601.1
 01/29/07 AMEND: 12000
 01/22/07 AMEND: 143-1
 01/17/07 ADOPT: 86072.1 AMEND: 83064, 83072, 84072, 84079, 84172, 84272, 86072, 89372, 89379
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 12/29/06 AMEND: Appendix X of Chapter 11 of Division 4.5
 12/29/06 ADOPT: 66260.202
 12/27/06 ADOPT: 66261.9.5, 67386.1, 67386.2, 67386.3, 67386.4

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	86534, 86535, 86536, 86540, 86542, 86544, 86545, 86546, 86552, 86553, 86554, 86555, 86555.1, 86558, 86559, 86561, 86562, 86563, 86564, 86565, 86565.2, 86565.5, 86566, 86568.1, 86568.2, 86568.4, 86570, 86572, 86572.1, 86572.2, 86574, 86575, 86576, 86577, 86578, 86578.1, 86579, 86580, 86586, 86587, 86587.1, 86587.2, 86588, MPP 11-400c, 11-402, 45-101(c), 45-202.5, 45-203.4, 45-301.1		499.4, 499.4.1, 499.5, 499.6, 499.6.1, 499.7, 499.8, REPEAL: 499.6.2
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04/25/07	AMEND: 3983	01/24/07	ADOPT: 1330.67.04 REPEAL: 1300.67.8(f)
04/06/07	AMEND: 737, 768, 769, 770, 771, 852	Title MPP	
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01/18/07	ADOPT: 3917		
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01/05/07	ADOPT: 499.4.1.1, 499.4.1.2, 499.4.2, 499.6.3 AMEND: 499.1, 499.2, 499.3,		